

22.02.2024
BD/Ct. 02
sl no. 03.

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

WPA 133 of 2024

Sri Tapan Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Mayank Roy
Mr. Prosenjit Sarkar
Mr. Bikash Singha

....for the petitioner.

Mr. Subir Kumar Saha
Mr. Anirban Banerjee

... for the State

Affidavit of service filed on behalf of the petitioner in terms of the previous order of this Court is taken on record.

Pursuant to the order dated 13th February, 2024 a report in the form of an affidavit has been filed by the Block Development Officer, Kharibari Development Block, District – Darjeeling which has been affirmed on 19th February, 2024 and the same is taken on record.

On perusal of the averments made in paragraphs 3, 4 and 5 of the said report it appears that Rs. 4,54,265/- is an admitted amount which is remaining outstanding and needs to be paid to the petitioner. It has also been stated in paragraph 3 and 4 of the report

that the petitioner was issued work order against eNIT as described in paragraph 3 on 11th May, 2020 by the Pradhan Buraganj Gram Panchayat under Kharibari Development Block and the value of the work order was assessed at Rs. 15,87,289/-. It also appears that the work commenced on 12th May, 2020 and completed on 27th October, 2020. On 15th October, 2020 Rs. 6,10,069/- was paid to the petitioner and the outstanding amount is Rs. 4,54,265/-.

In view of the aforesaid averments made in the report it appears that the amount which has been claimed by the petitioner by filing the writ petition is an uncontroverted amount and the same is required to be paid.

The point which has been urged in paragraph 8 that the concerned Pradhan had executed excess work under the relevant scheme without considering available fund on miscalculation cannot be considered as a fetter in giving direction for releasing the amount which appears to be outstanding as it has been stated in paragraph 5 of the report.

Accordingly, the concerned respondent authorities are directed to release Rs. 4,54,265/- in favour of the petitioner upon completing

formalities within a period of ten weeks from the date of communication of this order.

Learned advocate for the petitioner is granted leave to amend the cause title of this writ petition and add District Panchayat and Rural Development Officer, Darjeeling as additional respondent in course of this day. However, service of notice upon the additional respondent stands waived since State respondents are represented by learned advocate.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)