

Court No. 2
09.4.2024
(Item No. 42)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 388 of 2024

Kallol Adhikary
VS

The State of West Bengal & Ors.

Dr. Debabrata Karan
Mr. Sankhasuvra Roy
Mr. Debopriyo Karan
Mr. Hasanur Rahaman
..... for the petitioner
Ms. Bedashruti Bose
Mr. Kumar Shantanu
.... For the State

Affidavit of service filed in Court today is taken
on record.

Mr. Debopriyo Karan, learned counsel appears
for the petitioner through virtual mode.

Ms. Bedashruti Bose, learned State counsel
appears for respondent Nos. 1, 2 and 4 to 19.

The petitioner claims to have completed a
construction job at the behest of the respondent No.
8. However, a part of the total payment receivable by
the petitioner has not been disbursed as contended on
behalf of the petitioner. **Annexure P-7** at **page 23** to
the writ petition is the relevant completion certificate
issued by the State authority. The petitioner
submitted a representation dated **February 8, 2024**,
Annexure P-4 at **page 24** to the writ petition before

the State authorities seeking disbursement of the dues.

In view of the above, the said Principle Secretary upon issuing a prior hearing notice of at least seven days upon the petitioner and upon granting an opportunity of hearing to him shall decide the said representation dated **February 8, 2024** by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the Principle Secretary positively within a period of **six weeks** from the date of communication of this order. The Principle Secretary then shall communicate its reasoned order to the petitioner and the respondent no.8 positively within a period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the respondent no.8 and/or any other appropriate authority shall disburse the payment to the petitioner along with interest **at the rate of 6% per annum** since **February 8, 2024** till the date of tendering the actual payment. The said disbursement shall be made and credited to the bank account of the petitioner positively within a period of **one week** from the date of communication of the reasoned order before the appropriate authority.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge all the points by relying upon whatever records and documents he wishes to rely upon before the Principle Secretary.

It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim strictly in accordance with law.

On the above terms, this writ petition, **WPA 388 of 2024** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)