

26.09.2024
Court No. 2
Sl. No.66
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1870 of 2024

**DUB Associates & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Bikramaditya Ghosh
Mr. Ronit Kumar Jha
Mr. Biswaraj Agarwal
Mr. Sapan Kumar Ram
... For the petitioners.**

**Mr. Momenur Rahman
Mr. Sumit Kumar
... For the State.**

Cheque issued in the name of the petitioner jointly signed by the Chairman and the Member Secretary, West Bengal Tamang Development & Cultural Board, Government of West Bengal dated 26.02.2018 amounting to Rs.1,50,00,000/-has not been cleared by the Indian Overseas Bank allegedly on the ground of absence of the signature/authorized signatory of one of the drawers in the CBS of the bank.

The cheque was issued by the authority on completion of the work performed by the petitioner.

It appears that a separate cheque in respect of a project was issued to the petitioner which remained

unpaid because of the same reason but later on the cheque was cleared.

None represents the West Bengal Tamang Development & Cultural Board despite service.

Affidavit-of-service filed be retained with the record.

The Court is of the opinion that once cheque has been issued by the competent authority, the amount reflected therein ought to have been credited in favour of the drawee of the said cheque. The same ought not to have been dishonoured on the ground of absence of the signature/authorized signatory of one of the drawers in the CBS of the bank.

The petitioner is in no way responsible for the absence of the signatories of the authority. As the petitioner has performed the work and cheque issued in lieu of the service rendered, the money ought to flow to the petitioner. The matter has been delayed for a considerable period of time.

The Principal Secretary, Tribal Development Director is directed to take necessary steps and ensure that the amount reflected in the cheque being no. 856365 dated 26.02.2018 issued by the Chairman and the Member Secretary, West Bengal Tamang Development & Cultural Board is credited in the account of the petitioner at the earliest but positively

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

Learned advocate for the petitioner is directed to forward a copy of the said cheque to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)