

24.09.2024  
Court No. 2  
Sl. No. 67  
KB

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 2091 of 2024**

**M/S. Chitta Ranjan Ghosh  
-versus  
The State of West Bengal & Ors.**

**Mr. Debayan Goswami  
Mr. Reshab Kumar  
Mr. Subham Gupta  
...For the Petitioner.**

**Mr. Sumit Kumar  
Ms. Rima Sarkar  
...For the State.**

The petitioner performed the work of 'repair and renovation of the heritage water tank at Power House More at Cooch Behar under Cooch Behar Sub-Division, P.W.D. during the year 2020-21'.

The amount which is due to the petitioner is Rs. 37,68,591.97/-. The work completion certificate in favour of the petitioner has been issued by the Executive Engineer, Cooch Behar Division, P.W.D. on 2<sup>nd</sup> March, 2023. The Executive Engineer has forwarded intimation and sought administrative approval from the Joint Secretary, Urban Development and Municipal Affairs Department on 15<sup>th</sup> July, 2024 to make fund available for payment to the petitioner. The said request is yet to be accepted.

From the documents annexed to the writ petition, it appears that the claim of the petitioner has been admitted by the Executive Engineer, Cooch Behar Division, P.W.D. The District Magistrate, Cooch Behar as well as the P.W.D. Division, Cooch Behar made repeated requests seeking allotment of fund for payment to the petitioner.

The respondent authority will be bound to disburse payment to the petitioner as the work was completed successfully. It is absolutely improper and illegal on the part of the authority to sit tight and not clear the financial dues of the petitioner after extracting service from him.

The payment ought to have been made soon after the work was executed and bills were raised. There has been enough delay in making payment by the authority.

In view of the above, the instant writ petition is disposed of by directing the Principal Secretary, Urban Development and Municipal Affairs Department to take immediate steps to disburse the dues of the petitioner without any further delay but positively within a period of 90 days from the date of communication of this order.

As the petitioner was not in a position to utilize the money due to him, accordingly, the due amount

shall be paid along with simple interest @7% p.a. calculated on and from the date of completion of the work till the date of actual payment.

In the event payment is not made within the time stipulated hereinabove, the petitioner would be entitled to receive additional interest of 3% i.e.  $7\% + 3\% = 10\%$  p.a. on the amount due and payable to him.

The writ petition stands disposed of.

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

**( Amrita Sinha, J.)**