

03
28.08.2025
Court. No. 654
Jayanta

WPA 1599 of 2025

M/s. Samaddar Construction
VS
State of West Bengal & Ors.

Ms. Ipsita Ghosh

...for the Petitioner.

Mr. Amitabrata Ray, Ld. GP
Mr. Tirthankar Dey
Md. Zakir Hossain

...for the State.

1. The affidavit of service, as filed, be kept on record.
2. Ms. Ghosh, learned advocate appearing for the petitioner, has urged that the claim by the petitioner, which includes an unregistered partnership firm and one of its partners, has raised a claim on account of work done under a work order dated 23rd February, 2021 issued by the respondent no. 4.
3. She says that though certain payments were made, a sum of Rs. Seven lakhs and odd is still due and payable. It is for recovery of this amount that the present writ petition has been filed.
4. Mr. Ray, learned Government Pleader appearing for the respondents, has raised two issues. First, that this is a completely contractual claim. Therefore, it cannot be urged in a writ petition. Second, that the claim is barred by limitation, since the same was last urged sometime in 2014, before a representation was made in 2023.

5. Heard the parties and considered the documents on record.
6. It is an admitted fact that the claim of the petitioner emerges from a contractual dispute between the parties. This contract does not have any public element to it. In addition thereto, it is also indisputable that the claim is barred by limitation, having arisen sometime in 2012 and finalized sometime in 2014. Mere representations of the petitioner, that too, in 2023, cannot save the claim from limitation.
7. The relief of the petitioner lies in a civil action and not by way of a writ petition.
8. The Writ Petition stands dismissed.
9. There shall, however, be no order as to costs.
10. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Reetobroto Kumar Mitra, J.)