

D/L  
Item No. 13  
02.09.2025  
KOLE  
**266306**

**WPA 1654 of 2025**

**B.G. Construction**

**-Vs.-**

**The State of West Bengal & Ors.**

*Mr. Sattwik Bhattacharyya,  
Mr. A. Bhattacharyya,  
Mr. Titas Niyogi,*

*.....for the petitioner.*

*Mr. Tarun Chatterjee,  
Mr. Pratip Mukherjee,  
Mr. Raju Mondal,  
Mr. P. Biswas,*

*...for the respondent no. 4.*

Affidavit of service filed in court today be kept with the records.

The writ petitioner is aggrieved by the non-consideration of the writ petitioner's representation dated October 3, 2023, pending before the respondent no. 4. The writ petitioner complains that despite the writ petitioner's entitlement to additional payment on account of Goods and Services Tax (hereafter "GST"), the petitioner has not been paid the same.

Learned Advocate appearing for the respondent no. 4 submits that in terms of the agreement dated April 11, 2018, entered into by and between the National Buildings Construction Corporation (I) Limited and the writ petitioner, GST was the writ petitioner's burden and it was solely to be borne to the writ petitioner only. It is submitted that the writ petitioner's claim to any amount on account of GST lacks basis.

Since the writ petitioner has already approached the respondent no. 4 by way of a representation as far back as on October 3, 2023 and the same has still not been disposed of, this Court is of the view that the issue as to whether the writ petitioner is entitled to its claim on account of GST or not should at the first instance be decided by the respondent no. 4 itself.

The respondent no. 4 is, therefore, directed to consider and dispose of the writ petitioner's representation dated October 3, 2023 (annexure P1 at pages 23 to 24 of the writ petition) strictly in accordance with law and the contract governing the parties within a period of six weeks from the date of communication of this order upon giving an opportunity of hearing to the writ petitioner or its representatives. Needless to mention that the respondent no. 4 shall dispose of the said writ petition by passing a reasoned order, within the aforesaid period, strictly in accordance with law and shall communicate the same to the writ petitioner within a week from the date of passing thereof.

It is clarified that this court has not gone into the merits of the case and all points are left open to be urged by the writ petitioner and be decided by the respondent no. 4 strictly in accordance with law and in the light of the contract governing the parties.

WPA 1654 of 2025 is, accordingly, disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

**(Om Narayan Rai, J.)**