

N.22S1

WPA 1891 of 2025

151/CL

Parbatti Decorator

12.12.25

v.

SI-515

The State of West Bengal & Ors.

Ct.551

(S.R.)

Mr. Ritwik Pattanayak

... for the petitioner.

Mr. Amal Kumar Sen, Ld. AAG

Mr. Ashima Das

... for the State.

1. The petitioner has approached this Court seeking issuance of a Writ of Mandamus commanding the respondent no.2 *“to pay the legitimate due Rs.1,86,27,830/- (RUPEES ONE CRORE EIGHTY-SIX LACS TWENTY-SEVEN THOUSAND EIGHT HUNDRED AND THIRTY ONLY) to your petitioner with commercial rate of interest for the work done against the Notice Inviting Tender (NIT) vide Memo No.002/WBLA-21/Infra/2021 dated 25.01.2021 and Memo No.002/1/(20) WBLA-21/Infra/2021 dated 25.01.2021 and work order vide Memo No.103/1(5)/WBLA-21/Infra/2021 dated 23.02.2021”*.

2. In terms of the direction passed by this Court on September 19, 2025, a report in the form of an affidavit has been filed by the State respondents, which reveals as follows: -

“7. That way back in 2021 the said Junior

Engineer (QWP), Contai – 1, Block completed the said job of verification and scrutiny of those Bills submitted by the Petitioner and after meticulous scrutiny of each job done by the Petitioner including of total amount claimed in each of those Bills, the said Junior Engineer, Contai – 1 Block came to a finding that only a total sum of Rs.1,22,26,958/- was the undisputed aggregate bill amount against the bills submitted by the petitioner and the balance amount is nothing but an exaggerated figure not payable by the respondent authorities.

8. Accordingly, a sum of Rs.81,35,117/- (including all taxes) was duly paid to the Petitioner by the respondent authority out of that agreed liability and at present the Petitioner is entitled to a balance sum of Rs.40,91,841/- as full and final settlement against the works done by him or against the hire charges of Articles supplied by the Petitioner.

9. So far the payment of said balance admitted sum of Rs.40,91,841/- is concerned the necessary requisition has been sent to the office of the District Magistrate, Purba Medinipur, and after getting the said sum there will be no difficulty to disburse the said amount of Rs.40,91,841/- to the Petitioner.

10. It is humbly submitted that the Petitioner is not entitled to any further sum on account of that tender work being annexure P-1 to the writ petition save and except the above admitted figure of Rs.40,91,841/-”.

3. Learned advocate appearing for the petitioner submits that the petitioner's claim is much

higher than stated by the Respondents and that the petitioner is entitled to a total sum of Rs.2,64,37,543/- as claimed in the writ petition out of which only an amount of Rs.78,09,713/- has been paid thus far to the petitioner. It is submitted that in fact presently a sum of Rs.1,86,27,830/- is payable together with interest to the petitioner on account of the work done by the petitioner as indicated in the writ petition. It is submitted that no reason has been communicated to the petitioner as to why the full amount as claimed has not been paid to the petitioner.

4. Mr. Sen, learned Additional Advocate General appearing for the State respondents, however, strongly refutes such contention and says that nothing more than the amount mentioned in the affidavit i.e. Rs.40,91,841/- is due and owing from the State respondents to the petitioner after payment of a sum of Rs.81,35,117/- as already indicated in the report in the form of an affidavit filed on behalf of the State Respondents.
5. Heard learned advocates appearing for the respective parties and considered the material on record.
6. It is clear from the report in the form of affidavit

filed on behalf of the Respondent State Authorities that the petitioner is entitled to be paid a sum of Rs.40,91,841/- by the respondents.

7. Since, it now stands admitted that a sum of Rs.40,91,841/- is due to the petitioner from the Respondents and that the same could not be paid to the petitioner for non-availability of funds with the relevant authority due to non-disbursal thereof by the respondent no.2, the said sum should be paid to the petitioner without fail.
8. Since the said sum of Rs.40,91,841/- is admittedly due and should have been paid to the petitioner upon completion of the work in the year 2021 and the petitioner has prayed for disbursal of the sum together with interest at the commercial rate therefore, the petitioner should not be deprived of the interest that the petitioner could have earned on the said sum had the same been paid to the petitioner timely.
9. In such view of the matter, equity demands that the said sum of Rs.40,91,841/- should be paid to the petitioner by the respondents with interest at the rate of 5% per annum thereon from January 2022 till the date of actual payment thereof. Since, it would have taken some time for the respondent authorities to scrutinize the

bills and finalize the payment, payment of the admitted sum is consciously not being directed to be made from any time in the year 2021.

10. In so far as the petitioner's claim as regards the balance sum (i.e. the sum claimed to be remaining unpaid after the admitted amounts are paid, keeping in view the petitioner's total claim of Rs.2,64,37,543/- in the writ petition) is concerned, since the same is disputed, it would not be proper for this Court to enter into an enquiry into such disputed question of fact. The State respondents shall inform the petitioner the reasons for not making payment of the foresaid sum to the petitioner and it would be then open to the petitioner to take appropriate steps as available to the petitioner, in law, to claim such funds if the petitioner still feels that the petitioner is entitled to the same, in accordance with law. The appropriate State respondent/respondent no.4 shall communicate the reason for not making payment to the petitioner of the entire sum as claimed by the petitioner in this writ petition within a period of six weeks from the date of communication of this order.

11. The District Magistrate shall make all endeavors to disburse the funds in terms of this

order to the office of the respondent no.4 within a period of eight weeks from the date of communication of this order so that payment of the admitted sum of Rs.40,91,841/- as indicated in the Report together with interest @ 5% per annum thereon from January 2022 till the date of actual payment thereof is made to the petitioner. The Sub-divisional Officer shall, thereafter, forthwith make payment of the aforesaid sum to the petitioner in terms of this order.

12. WPA 1891 of 2025 stands disposed of with the above observations. No costs.
13. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)