

06-03-2025
Item No.155 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.1960 of 2024
Janardan Nirman Private Limited

-vs-
The State of West Bengal & Ors.

Mr. Prabir Adhya
Mr. Biswajit Ghosh
Ms. Madhumanti Chakraborty ...for the petitioner

1. The petitioner's representation dated December 27, 2023 (Annexure P14, p.52) seeking release of outstanding dues on satisfactory performance of work in terms of the work order, is pending consideration at the end of the Superintending Engineer, South Western Circle, Public Works Directorate, Paschim Medinipur for a considerable period of time.
2. The completion certificate issued by the Executive Engineer, PWD on March 20, 2020 (Annexure P3, p.25) records that the petitioner completed the work satisfactorily.
3. The Executive Engineer by a communication dated July 27, 2023 requested the Director of Storage, Department of Food & Supplies, Government of West Bengal for release of the balance amount of Rs.1,06,03,277/-in favour of the petitioner mentioning that the Defect Liability period for the aforesaid work got over and that there was no liability pending for the work.
4. None represents the respondents despite service. Affidavit of service is on record.

5. The petitioner is an MSME and the respondent authority ought to have disbursed payment in favour of the petitioner immediately upon conclusion of the work after expiry of the Defect Liability period. The payment is alleged to be withheld for undisclosed reasons.
6. In view of the above, the writ petition is disposed of by directing the third respondent – Secretary, PWD – to take necessary steps for ensuring that the payment which the petitioner is legally entitled is disbursed, in accordance with law, at the earliest, but positively within twelve weeks from the date of communication of this order.
7. As payment was not made in proper time, accordingly, the petitioner will be entitled to receive the same along with statutory interest.
8. Learned counsel for the petitioner shall forward a copy of the subject representation dated December 27, 2023 along with all supporting documents to the Secretary, PWD at the time of communicating this order.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

