

16.07.2025
Sl. No. 20
Ct No. 3
SG

WPA 8493 of 2025

**Standards Builders & Anr.
Vs
The Bidhannagar Municipal Corporation & Ors.**

Ms. Sanghamitra Nandy.
...for the petitioners

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...for BMC

1. Affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed seeking disbursal of a sum of Rs. 32,70,044/-, (excluding GST & LW CESS) claimed as outstanding dues arising from work order Memo no. 559/PWD/ROAD/BMC dated 25.02.2021 along with the release of the earnest money and the security deposit.
3. It is the case of the petitioners that they have completed the assigned work within the stipulated period under the Bidhannagar Municipal Corporation. It is further contended that they made representation before the Bidhannagar Municipal Corporation regarding the payments but no response has been received till date.

4. Per contra, learned counsel for the respondent corporation submits that the amount claimed by the petitioners is not an admitted liability and further contends that no completion certificate has been placed on record to substantiate the completion of work as alleged.

5. It is the categorical submission of the corporation that the existence of a dispute regarding the execution and completion of the contractual work renders the petitioners' claim factually contested as the amount claimed is not an admitted liability and no completion certificate has been produced to support the assertion of completion.

6. Upon considering the arguments advanced by the counsels for both the parties and on perusal of the documents produced on record, this Court finds substance in the contention advanced by the learned counsel for the respondent corporation. No documentary evidence has been adduced by the petitioners to establish that the assigned construction work has been completed under the aforementioned work order or that the amount claimed by the petitioners is an admitted sum. It is pertinent to mention that the certificate issued by the Bidhannagar Municipal Corporation dated 20.11.2024, bearing

Memo No. 540/PWD/ROAD/BMC, the authority remarked that the work is still in progress.

7. In the absence of such foundational documentation and in view of the existence of disputed questions of fact pertaining to the execution and quantification of the alleged dues, this Court is not inclined to invoke its extraordinary jurisdiction under article 226 of the constitution of India.

8. However, the petitioners shall be at liberty to seek redressal of the grievances before the appropriate forum in accordance with law.

9. With the above observations, the present writ petition is dismissed.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)