

30.04.2025
Court No.13
Item No.5
AP

MAT 605 of 2025
With
CAN 1 of 2025
Bhattacharyya & Co. represented by its Director Rupa
Bhattacharyya and Ors.
Vs.
The Bidhannagar Municipal Corporation and Ors.

Ms. Sanghamitra Nandy

... for the Appellants.

Mr. Tirthankar Dey
Mr. Arka Kumar Nag

... For the BMC.

1. Accommodation is sought on behalf of the corporation on the ground of Mr. Sirsanya Bandopadhyay.

2. This Court is, however, of the view that the appeal itself can be disposed of.

3. The writ petition was filed seeking a direction upon the Bidhannagar Municipal Corporation to release payments of work done by the writ petitioner in Work Order Serial No. 07 of N.I.T. No. 1648/PWD (BMC) dated 14th January, 2023. The Single Bench found that the respondents had seriously disputed the claim of the petitioner. In this back drop the Court found that the disputed claims cannot be entertained by a Writ Court under Article 226 of the Constitution of India. The writ petition was, therefore, dismissed by an order dated 8th April, 2025 granting liberty to the appellants to take out appropriate proceedings in accordance with law.

4. This Court finds that the impugned order dated 8th April, 2025 is passed on sound reasoning and in accordance with the applicable law of the land and calls for absolutely no interference.

5. However, since the counsel for the appellants submits that the respondents have not issued any completion certificate or certified the measurement books of the work done, the appellants may make a comprehensive representation to the Commissioner of the Bidhannagar Municipal Corporation. If such representation is made within a period of seven days from date, the Commissioner of the Bidhannagar Municipal Corporation after giving a hearing to the appellants passed appropriate orders as he may deem fit in accordance with law.

6. Let the consideration by the Commissioner of the Bidhannagar Municipal Corporation be effected within a period of two months from the date of receipt of the representation of the appellants.

7. Let any decision that may be taken by the Commissioner, Bidhannagar Municipal Corporation be communicated to the appellants forthwith thereafter.

8. With the aforesaid observations, the appeal is disposed of.

9. Consequently, all connected pending applications, if any, are also disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)