

09.12.2025
Ct. 3
Item No.
AD 7
Saswata

WPA 10014 of 2024
Jaya Saha & Ors.
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Kalidas Saha
Mr. Sourav Paul
Mr. Samrat Biswas

...For the petitioners

Mr. Alok Kr. Ghosh
Ms. Tanushree Dasgupta

...for the KMC

1. The petitioner no.1's husband was the sole proprietor of M/s Star Co. It is submitted that the petitioner's firm had participated in a tender process and had made a quotation for construction of a swimming pool at premises no. 294, Parnashree Pally, Kolkata-700060. Consequent thereto, the petitioner's husband having become successfully tenderer was issued a work order on 18th February 2017 by the Kolkata Municipal Corporation. The petitioner no.1's husband had since carried out construction of the swimming pool and the petitioner would contend that though the entire work has been completed, the final bill has not been disbursed.
2. In the interregnum, however, the husband of the petitioner no. 1, Monranjan Saha, had died on 3rd July 2020. Consequent upon his death, although, from time to time the petitioner no.1 had applied before the respondents, the petitioners' representation has not been considered.
3. Mr. Ghosh, learned advocate appears for the Kolkata Municipal Corporation.

4. Having heard the learned advocates appearing for the respective parties, I find that the municipality in the year 2019 had flagged the issue of deviation in item nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16 & 17 during execution of the work. From the aforesaid note sheet as appearing at page 15 of the writ petition it would transpire that the deviation is 14.39 per cent which according to the authorities were necessary for proper completion of the work. The same records that Rs.25,65,688/- was certified for audit and payment. The document is however dated 24th January 2019. More than 5 years from the date of issue of the above document, the writ petition has been filed.
5. From the materials on record, it is however, not clear whether and to what extent the deviation had been effected. The matter pertains to disputed questions of fact which cannot be conveniently gone into and decided by this Court.
6. In view thereof, the writ petition stands dismissed without any order as to costs.
7. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)