

S/L 41
21.02.2025
Court. No. 551
Sourav

WPA 12099 of 2017

**Debangshu Chatterjee & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Jaydeb Kr. Das

...for the petitioners.

Mr. Sujit Sankar Koley

...for W.B.S.E.D.C.L.

1. Liberty is given to Mr. Das, learned advocate for the writ petitioners to add The Divisional Engineer, New Town Electricity Supply under WBSEDCL as party respondent no. 5 in Court today.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ or writs against the respondents/authorities for cancellation and/or for setting aside and/or for recalling and/or for rescinding the memo dated 18.05.2016 with a further direction upon the respondents/authorities to disburse a sum of Rs. 1,53,541/- which according to the writ petitioner has been illegally deducted by the respondents/authorities from the bills as raised by the writ petitioners for execution of the work done by the writ petitioners pursuant to the contract given by the respondents/authorities.
3. At the time of hearing, Mr. Das, learned advocate appearing on behalf of the writ petitioners at the very outset draws attention of this Court to Page No. 17 being Annexure P-1 of the instant writ petition

whereby and whereunder an erection order was passed by the respondents/authorities in favour of the writ petitioners for a sum of Rs. 3,62,681/-. It is submitted by Mr. Das that the writ petitioners have successfully carried out the said job of erection and when the writ petitioners submitted its bill, the respondent/authorities most unilaterally deducted a sum of Rs. 1,53,541/-. Drawing attention to Page Nos. 25 and 26 of the instant writ petition, it is further submitted that the allegation as leveled against the writ petitioners under cover of letter dated 18.05.2016 is baseless and, therefore, the estimated expenditure to the tune of Rs. 2,15,550/- has got no basis at all. It is thus submitted by Mr. Das that appropriate relief may be granted to the writ petitioners in terms of the prayers as made in the instant writ petition.

4. Per contra, Mr. Koley, learned advocate appearing on behalf of the respondent/authorities also places his reliance upon Page No. 25 of the instant writ petition being a copy of the letter dated 18.05.2016 as written by the General Manager (Housing) of the respondents/authorities addressed to the writ petitioners whereby and whereunder the writ petitioners were cautioned not to do their job of erection in a reckless manner since the same is causing damage to other existing utilities properties at the New Town area. It is submitted by Mr. Koley that from Page No. 26 of the instant writ petition, it would reveal

further that the writ petitioners did not pay any heed to the letter dated 18.05.2016 and on the contrary, they proceeded to execute their job as assigned to them in a reckless manner and as a result whereof in the New Town area, various communication network through underground ducts have been seriously damaged for which the NTTIDCO Ltd. had raised a bill of Rs. 2,15,550/-.

5. Drawing attention to Page No. 33 of the instant writ petition, it is further submitted by Mr. Koley that on receipt of the complaint from NTTIDCO Ltd. an enquiry was done and on the basis of the said enquiry report, the damage caused by the writ petitioners have been assessed and the same was subsequently, recovered from the bills as raised by the writ petitioners with the respondents/authorities.
6. In course of his submission, Mr. Koley further draws attention of this Court to Page Nos. 7 and 8 of the affidavit-in-opposition vis-à-vis Page Nos. 23, 24 and 27 of the said affidavit-in-opposition being copies of different letters dated 03.06.2016, 01.12.2016 and 06.12.2016. It is further submitted by Mr. Koley that pursuant to the objection as raised by the writ petitioners, the writ petitioners were called in a meeting by the respondents/authorities to resolve the issues but the writ petitioners for the reasons best known to them, did not attend the meeting and even in a meeting the proprietor of the writ petitioner no. 2

company left the meeting by using filthy and abusing language to the officials of the respondents/authorities which is, however, disputed by Mr. Das, learned advocate appearing on behalf of the writ petitioners.

7. Considering the rival submissions of the learned advocates for the contending parties and also considering the materials as placed before this Court, it appears to this Court that justice would be subserved if the respondents/authorities are directed to consider the instant writ petition as a representation of the writ petitioners and, thereafter, to pass a reasoned order on such representation upon granting an opportunity of hearing to the writ petitioners since it is the case of the writ petitioners that without giving any opportunity of hearing, the respondents/authorities have unilaterally deducted their bill.
8. In view of such, while disposing the instant writ petition, this Court directs the Divisional Engineer, New Town Electricity Supply under WBSEDCL to consider the instant writ petition as a representation of the writ petitioners and after giving an opportunity of hearing to the writ petitioner no. 1, he shall pass a reasoned order in writing in accordance with law.
9. The Divisional Engineer, New Town Electricity Supply under WBSEDCL is hereby directed to communicate its reasoned order to the writ petitioner no. 1 preferably by mail, if the mail details of the writ

petitioner no. 1 is furnished to him at the time of hearing.

10. It is made clear that the entire exercise as indicated hereinabove is to be completed within three months from the date of communication of this order.
11. Mr. Koley, learned advocate appearing on behalf of the respondents/authorities is hereby requested to communicate the server copy of this order to the respondent no. 5 for their immediate compliance.
12. The respondents/authorities more specifically the respondent no. 5 is/are directed to act on the server copy of this order.
13. Similar liberty is also given to the writ petitioners to communicate the server copy of this order to the respondent no. 5.
14. With the aforementioned observations, the instant writ petition being **WPA 12099 of 2017** is disposed of.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)