

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 10.03.2025

DELIVERED ON: 10.03.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

M.A.T. 986 of 2024

With

I.A. No. CAN 1 of 2024

Sunbird Power Private Limited & Anr.

Vs.

The State of West Bengal & Ors.

Appearance:-

Mr. Rahul Karmakar

Mr. Nirmalya Dutta

.....For the Appellants

Mr. Tanoy Chakraborty

Mr. Nilay Barman Mondal

.....For the State

Mr. Debayan Sen

Mr. S. Chakraborty

.....For the Respondent Nos.2 & 3

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the writ petitioners is directed against the order dated 24th April, 2024 in W.P.A. 17671 of 2023. The appellants filed the writ petition praying for a direction upon the respondents/Gram Panchayat to disburse an amount of Rs.6,14,045.89/- which, according to the appellants, they are entitled to as they have installed the Water ATM Machine with solar system in the given site.
2. The learned Single Bench dismissed the writ petition on the ground that disputed claims cannot be adjudicated in a writ petition, more particularly, when it is a money claim.

3. The finding rendered by the learned Single Bench is perfectly justified and would not call for any interference. However, it appears that the respondents/Gram Panchayat has taken a stand before the learned Writ Court and before us that the Water ATM Machine with solar system is not functional till date and it is of inferior quality material and for certain reasons, the amount has not been released.
4. If that be the case, the appellants, at least are entitled to know the reason for withholding the payment.
5. Therefore, to that extent, we are inclined to issue a direction to the respondents/Gram Panchayat to consider the representation dated 12th June, 2023 and give a reply with reasons as to why the Gram Panchayat cannot release the funds in favour of the appellants/writ petitioners.
6. This direction be complied with within a period of three weeks from the date of receipt of server copy of this order.
7. Accordingly, appeal along with the connected application (I.A. No. CAN 1 of 2024) stands disposed of.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)