

06.05.2025
Sl.No.219(DL)
Ct. No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 14493 of 2024

Sirajul Islam

Versus

The State of West Bengal & Ors.

Mr. Dhiraj Kumar Trivedi, Sr. Advocate
Mr. Indranil Chandra,
Mr. Souvik Sarkar,
Mr. Sunil Gupta

... for the Petitioner.

Mr. Prabir Kumar Ray

... for the State-respondents.

This writ petition has been filed seeking direction upon the respondent authorities for disbursement of the outstanding amount of Rs.9,20,100/- in favour of the petitioner for successful completion of work allotted to him vide work order under Memo No. 836/R-I P.S. dated 28.05.2018.

The petitioner contends that he participated in a tender floated for (i) Construction of PCC Road at village Dekhuria from Kalitala to Primary School via Santanu Chatterjee, J.L. No.114, Mouza-Dadpur under Barshal Gram Panchayat, (ii) Construction of PCC Road at village Barshal from house of Lakhikanta Let to house of Rajib Dutta via Swapan Let, JL No.072, Mouza Barshal under Barshal Gram Panchayat, (iii) Construction of PCC Road at village Kamakshya from house of Gurucharan Mondal to house of Subhas Acharya, J.L. No.114 Mouza-

Kamakshya under Barshal Gram Panchayat and (iv) Construction of PCC Road at village Parbrokhia near house of Hanif Sk. J.L. No.115, Mouza-Baikunthapur under Barshal Gram Panchayat and work order was, accordingly, issued in his favour. The petitioner completed the aforesaid work allotted to him. Although portion of the payment has been made, yet an amount of Rs.9,20,100/- payable to the petitioner remains outstanding, despite persuasion. Hence, this writ petition.

Mr. Dhiraj Kumar Trivedi, learned Senior Advocate representing the petitioner submits that the State has not disputed the amount, as claimed by the petitioner. The petitioner has completed the work allotted to him. Repeated representations were made before the respondent authorities for disbursement of the outstanding amount of Rs.9,20,100/- payable to the petitioner, however, till date, no steps have been taken. The above action of the State is failure of principles of the natural justice. He seeks that necessary direction be passed upon the respondent authorities for disbursement of the aforesaid outstanding amount in favour of the petitioner. In support of his contentions, he relies on the following decisions of the Hon'ble Supreme Court:

- (1) ***Harbanslal Sahnial & Anr. versus Indian Oil Corporation Limited & Anr. reported in (2003) 2 SCC 107***

(2) *Mahabir Auto Stores & Ors. versus Indian Oil Corporation & Ors. reported in (1990) 3 SCC 752.*

He also indicates that the amount has already been received by the Rampurhat-I Panchayat Samiti from the office of the District Magistrate against the works pertaining to which the e-tender was floated. Therefore, there is no plausible reason to withhold the outstanding amount of the petitioner.

State files a report of the Executive Officer of Rampurhat-I Panchayat Samiti dated 17th June, 2024 which is taken on record.

Mr. Prabir Kumar Ray, learned Advocate for the State submits that only a part of the total amount is released to Rampurhat-I Panchayat Samiti pertaining to the work undertaken by the petitioner. He seeks some more time be accorded for disbursement of the amount.

Admittedly, the petitioner has completed the work allotted to him and the outstanding amount is Rs.9,20,100/-. Reply to the Advocate's letter annexed to the supplementary affidavit being annexure P-6 records that an amount of Rs.2,69,61,712/- has been released in two phases by the District Magistrate, Birbhum to Rampurhat-I Panchayat Samiti which has also been depicted in the report filed by the State. The amount outstanding has admittedly not been paid, as yet without any cogent reason. This Court finds substance in the submission of learned Senior Advocate for the petitioner

that there is failure of principles of natural justice relying on *Harbanslal Sahnia (supra)* and *Mahabir Auto Stores (supra)*.

In light of the above, the respondent No.3, District Magistrate, Birbhum is directed to take appropriate steps for disbursement of the amount of Rs.9,20,100/- in favour of the petitioner within a period of four weeks from date of the communication of this order.

Petitioner is directed to communicate this order to respondent no.3, District Magistrate, Birbhum.

With the aforesaid directions, the writ petition being **WPA 14493 of 2024** stands disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)