

19.09.2025
Item No. 21
Ct. No. 42
AN

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

WPA 16373 of 2025

**Md. Mostafa Hassan Reja @ Md. Mostafa Hasa Reja
vs.
State of West Bengal & ors.**

Mr. Dhiraj Kumar Trivedi, Id. Sr. Adv.
Mr. Indranil Chandra
Mr. Souvik Sarkar

... for the petitioner

Mr. Gourav Das
Mr. Samir Kr. Ghosh

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for disbursement of the bill amount of Rs. 4,83,599/- in favour of the petitioner for completion of work done as per the work order being Memo No. 159/R'hat-II dated 19th January, 2021.
3. The petitioner contends that he participated in notice inviting e-tender No. 21/RHAT-II/20-21 dated 6th January, 2021 for installation of ten numbers of Tube Well at various sites of Kaluha Gram Panchayat under Rampurhat-II Panchayat Samity. The work order was allotted to the petitioner vide work order Memo No. 159/R'hat-II dated 19th January, 2021. The petitioner duly completed the work allotted to him. There is, however, an outstanding amount of Rs.4,83,599/- pertaining to the work executed by the petitioner. The

petitioner made several representations before the respondent authorities for disbursement of the said amount, however, no steps have yet been taken. Hence this writ petition.

4. Mr. Dhiraj Kumar Trivedi, learned Senior Advocate appearing for the petitioner submits that the State has not disputed the said outstanding amount as claimed by the petitioner which would be evident from the Completion Certificate dated 15th February, 2024 at page 19 of the writ petition. The petitioner has completed the work allotted to him, however, despite persuasive steps taken by the petitioner, the outstanding amount of Rs.4,83,599/- payable to the petitioner is still not been disbursed. The above action of the State is a failure of principles of natural justice and he seeks for necessary direction upon the respondent authorities for disbursement of the said amount in favour of the petitioner. In support of his contention, he relies following two decisions of the Hon'ble Supreme Court (i) ***Harbanslal Sahnia & anr. versus Indian Oil Corporation Ltd. & ors.*** reported in ***(2003) 2 SCC 107*** and (ii) ***Surya Constructions versus State of Uttar Pradesh & ors.*** reported in ***(2019) 16 SCC 794***. He seeks for appropriate orders.
5. The State files a report of the B.D.O., Rampurhat-II Development Block dated 5th August, 2025 which is taken on record.

6. Learned counsel representing the State submits that the Executive Officer of Rampurhat-II Development Block has written several letters to the District Magistrate, Birbhum for allocation of fund, however, such fund has not been allocated due to which the amount has not been disbursed.
7. Admittedly, the petitioner has completed work allotted to him and the outstanding of Rs. 4,83,599/- has remained unpaid. The Completion Certificate dated 15th February, 2024 at page 19 of the writ petition as well as the report indicates that such outstanding amount is an admitted one. Thus, this Court finds substance in the submission of learned Senior Advocate appearing for the petitioner relying on *Harbanslal Sahnia (supra)* and *Surya Constructions (supra)*.
8. In the light of the above, the respondent no. 3, the District Magistrate, Birbhum is directed to take appropriate steps for disbursement of the amount of Rs. 4,83,599/- payable in favour of the petitioner within a period of six weeks from the date of communication of this order.
9. Learned advocate for the petitioner is directed to communicate this order to respondent no. 3, the District Magistrate, Birbhum, for necessary compliance.
10. Accordingly, the writ petition being no. **WPA 16373 of 2025** stands disposed of.
11. Consequently, connected applications, if any, also stand disposed of.

12. Interim orders, if any, stand vacated.

13. There will be no order as to costs.

14. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)