

D/L 182
11.09.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 16315 of 2025
(CAN 1 of 2025)

Madhumita Construction Pvt. Ltd. & Anr.
Vs.
Public Works Department, Government of West
Bengal & Ors.

Mr. Tanish Ganeriwala
Ms. Sanjukta Dutta
Mr. Anil Dhar
Mr. Debabrata Das
Mr. Pratik Acharjee
Mr. B. Ghosh

...for the Petitioners.

Mr. Ansar Mondal
Ms. Somashree Dey

...for the State

1. The writ petition arises out of disputes arising out of a contract.
2. According to the petitioners because of the delay in providing the drawing, the petitioners could not proceed with the construction work. The petitioners also submit that because of non-payment of the dues, the construction could not proceed further.
3. The authority has proceeded to terminate the contract of the petitioners and has also proceeded to issue fresh tender for selecting contractors to conclude the work kept unfinished by the petitioners.
4. The petitioners submit that the delay in question was solely because of the respondents not providing the drawings in proper time and also because of the non-payment of the dues in proper time.

5. According to the authority, several opportunities were granted to the petitioners to conclude the work. The manner in which the petitioners are progressing, they will not be able to conclude the work even within the extended time period.
6. Upon hearing the submissions made on behalf of the parties and on perusal of the documents placed before the Court, it appears that the dispute between the parties arises out of a commercial contract. There are several disputed questions of fact which cannot be adjudicated in the writ proceedings.
7. The writ Court is not inclined to exercise jurisdiction in such contractual matter with disputed questions of facts.
8. The petitioners may avail the appropriate remedy in accordance with law for redressal of their grievances, if so advised.
9. The writ petition and the connected application fails and is hereby dismissed.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)