

28.07.2025
Court No.13
Item No. 7
sp

MAT 1152 of 2025
With
CAN No. 1 of 2025

Standards Builders, represented by its sole proprietor,
namely, Jaharlal Naskar & Anr.

Versus

The Bidhannagar Municipal Corporation & Ors.

Ms. Sanghamitra Nandy.

...For the appellants.

Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.

... For the BMC.

1. The appeal is directed against an order of the Single Bench of this Court dated 16th July, 2025 passed in WPA 8493 of 2025.

2. The admitted facts are that the writ petitioners/appellants submitted tender for upgradation of concrete road, repairing of drain with cover slab from H/O Prabir Bose to Asha Studio, from Alaya Apartment to H/O Somnath Bhattacharjee etc. The work order dated 25th February, 2021 was issued against the quoted amount of Rs. 2,08,42,137/- to the extent of Rs. 37,00,000/-. The balance amount of work was to be ordered later. The appellants submitted a R.A. Bill to the respondent/Bidhannagar Municipal Corporation that appears to have been certified as completed on 31st March, 2022 by the officials of the BMC.

3. A certificate of completion dated 20th November, 2024 was subsequently issued certifying completion of work in the opening statement. Against the actual date of completion of work, however, the expression mentioned “work in progress”. The first R.A. bill submitted by the appellants was for Rs. 32,70,044/- and Rs. 36,99,073/-. In the remarks column it is mentioned that “work is in progress satisfactorily” and also that no penal action has been instituted against the tenderer.

4. In the above circumstances, the finding of the Single Bench that there is no completion certificate appears to be partially incorrect.

5. In view of the fact that the appellants have completed a substantial portion of work and according to BMC, the work is in progress as on 2024, this Court directs the Commissioner of Bidhannagar Municipal Corporation to consider the prayers made by the petitioners/appellants dated 10.01.2025 and 04.02.2025. Such prayers may be considered after referring to the relevant records. Any undisputed amount towards work already done may be released to the appellants. The amounts disputed may be kept aside for being decided in an appropriate forum.

6. Since the tender of the petitioners/appellants was accepted for work valued at about Rs. 2 crores, the BMC may in its discretion also consider awarding

further work based on the performance of the petitioners/appellants till date.

7. It is made clear that this Court has not decided any claim or right of the appellants or the entitlement of the BMC, and the Commissioner shall proceed in accordance with law and the applicable rules and take a decision in the matter, within a period of two months from the date of communication of a copy of this order.

8. The writ petitioners/appellants and/or their representatives may be heard by the Commissioner, within a period of one month from date.

9. With the aforesaid observations, MAT 1152 of 2025 shall stand disposed of.

10. Consequently, CAN 1 of 2025 shall also stand disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)