

18.02.2025
Sl. No. 179.
D/L.
Mithun
Ct.No.39.

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

WPA 19957 of 2022

**Md Maniruddin
Vs.
The State of West Bengal & Ors.**

Mr. Sujay Bandyopadhyay,
Md. Kutubuddin

...for the petitioner

Mr. Susanta Pal,
Mr. Prabir Kumar Ray

...for the State

In compliance to order dated 10th February, 2025,
a report of Block Development Officer, Nalhati-I,
Birbhum dated 12th February, 2025 is submitted by the
learned Advocate for the State-respondents, which is
taken on record.

This writ petition has been filed seeking direction
upon the respondent authorities and or their agents
and/or assigns and/or offices and/or sub-ordinates to
issue payment of Rs.6,00,000/- for installation of solar
pump including supply and fitting and fixing of pipe line
of water at proper position at various place of village
Mahulla (near Ismail house) under Nalhati-I
Development Block Location-Mouza Sujalpur, JL. No.63,
plot no.446.

The petitioner is a contractor and proprietor of a
company under the name and style of "*Milon Machinery*

Parts” having registration no.19815634040 and carries on the business ‘Works Contract’. The petitioner participated in notice inviting e-Tender being Tender No. WB/BHM/NAL-I/PGP/NIT-01/2019-20. The petitioner was the successful bidder and was issued work orders for execution of work under serial No.1 to 9 of the e-Tender. The petitioner contends that he has executed works in respect of serial no.1 to 6 and 9. Though the payments in respect of serial nos.1 to 5 and 9 has been disbursed in favour of the petitioner, however, even upon completion of the work under serial no.6, the payment of Rs.6,00,000/- in respect of such work has been withheld arbitrarily. The petitioner made representation before the respondent no.8, Prodhan, Paikpara Gram Panchayat as well as before the respondent no.4, Block Development Officer, Nalhati-I for redressal of his grievance towards payment of outstanding dues of Rs.6,00,000/- pertaining to the work completed in respect of serial no.6 of the Notice Inviting e-Tender. Since no steps have been taken for payment of the outstanding dues, the petitioner has preferred this writ petition.

In compliance to the order of this Court, an enquiry report of the Block Development Officer, Nalhati-I Development Block, Nalhati, Birbhum dated 1st June, 2023 was furnished by the State-respondents and exception to such report has also been filed by the petitioner.

Mr. Sujay Bandyopadhyay, learned Advocate appearing for the petitioner submits that although in the enquiry report it is stated that no permission was granted to carry out the work under serial no.6. however, as per the endorsement of the Block Development Officer, Nalhati-I Development Block, on letter dated 1st April, 2020 at Page 66, Annexure P-4, the petitioner was allowed to carry out the work. Hence, such contention in the enquiry report is short of merit. He further submits that the installation has been completed and, accordingly, the petitioner is entitled to the outstanding dues.

On the contrary, Mr. Susanta Pal, learned Advocate representing the State-respondents submits that the Block Development Officer has categorically stated that the work in respect of serial no.6 has not been completed.

At this stage, both the parties consent for relegating the matter to the respondent no.2, District Magistrate, Birbhum for considering the dispute raised regarding outstanding dues of the petitioner.

Considering such submission, liberty is granted to the petitioner to submit a fresh representation before the respondent no.2, District Magistrate, Birbhum, who upon such submission shall consider and dispose of the representation of the petitioner by a reasoned order within a period of six weeks from such submission of representation upon affording opportunity of hearing to

all interested parties including the petitioner as well as the Block Development Officer and allow the parties to produce relevant documents before it.

The reasoned order shall be communicated to the parties.

Learned Advocate for the petitioner is directed to communicate this order to the District Magistrate, respondent no.2.

It is made clear that this Court has not gone into the merits of the writ petition.

Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

With the aforesaid observations, the writ petition being **WPA 19957 of 2022** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)