

19.09.2025
Court No.13
Item Nos.6 & 7
AP

CPAN 1447 of 2025

In

MAT 896 of 2025

Nandalal Saha

Vs.

**Mr. Ghulam Ali Ansari, the Principal Secretary,
Department of Urban Development and Municipal
Affairs, Government of West Bengal and Ors.**

With

RVW 285 of 2025

With

CAN 1 of 2025

With

CAN 2 of 2025

**The Principal Secretary, Department of Urban
Development & Municipal Affairs, Government of
West Bengal and Anr.**

Vs.

Nandalal Saha and Ors.

Mr. Goutam Kumar Thakur

... For the Contempt Applicant.

Mr. Tanoy Chakraborty

Mr. Saptak Sanyal

... For the Review Applicant.

Mr. Susanta Pal

Ms. Debdooti Dutta

... For the Finance Department/Contemnor No.2.

Mr. Sirsanya Bandopadhyay

Mr. A.K. Nag

Ms. Deboleena Ghosh

... For the Raiganj Municipality/Contemnor No.3.

Re.: CAN 1 of 2025

1. CAN 1 of 2025 in RVW 285 of 2025 is an application for condonation of delay of 30 days in filing the present review application.
2. Although this Court is not satisfied with the explanation offered for the delay in filing the instant

review application, for the ends of justice the delay is condoned.

3. Accordingly CAN 1 of 2025 is allowed.

Re. RVW 285 of 2025
With
CAN 2 of 2025

4. Review is sought of this Court's order dated 14th July, 2025 on the ground that the Raiganj Municipality has not taken prior approval under Section 73(A) of the West Bengal Municipal Act, 1993 prior to issuance of work order and competition certificate to the appellant for implementation of the 271 schemes within the municipality.

5. Reference is also made to Section 67 and 68 of the Act to argue that the municipality should make payment out of its own fund since the municipality collects taxes from the citizens residing within its jurisdiction.

6. Admittedly, the construction work for which tender was floated and awarded to the appellant was for construction of roads, hostels and other municipal buildings for the benefit of the citizens of the Raiganj Municipality.

7. The said work is also covered 271 schemes within the municipality and as sponsored by the State Government. The State is, therefore, obliged to fund

under Section 71(A) of the West Bengal Municipal Act, 1993.

8. The issue of seeking prior approval of the State Government has already been dealt with in the judgement dated 14th July, 2025. It is a matter between the municipality and the State and a person who has rendered services and has expended substantial amount of money for such permanent infrastructure work within the municipality, cannot be deprived of his rights to receive payments for work done.

9. It is recorded in the order dated 14th July, 2025 that the State itself has conducted an enquiry into the matter. The State may take steps as it may be advised against the municipality and/or its officials in this regard.

10. This Court is of the view that the grounds agitated for review of the order dated 14th July, 2025 are not tenable in law.

11. Hence, RVW 285 of 2025 is dismissed. Consequently, CAN 2 of 2025 is also dismissed.

Re.: **CPAN 1447 of 2025**

In

MAT 896 of 2025

12. Learned counsel for the contemnor No.1 has stated that the matter has already been placed before the Finance Secretary for release of funds. It is submitted on instruction that the funds are likely to be released by

10th October, 2025. The delay has occurred in view of the intervening Puja Vacation and holidays.

13. This Court find that the Principal Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal is prima facie in contempt of this Court's order dated 14th July, 2025 which direct to release the funds within seven days.

14. In those circumstances, let a formal Rule be issued upon the Principal Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal and the Principal Secretary, Department of Finance, Government of West Bengal.

15. The Rule is made returnable on 3rd November, 2025.

16. The alleged aforesaid contemnors shall virtually present before this Court on the adjourned date. They may also be represented by learned advocates.

**Rule is drawn in
a separate sheet.**

17. The applicant shall put in the requisites for the aforesaid purpose within a period of two days from date.

18. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)