

23.04.2025
Sl. No. 28
Ct No. 3
SG

WPA 23636 of 2024

**Indradip Sarkar & Anr.
Vs
The Bidhannagar Municipal Corporation & Ors.**

Ms. Sanghamitra Nandy.
...for the petitioners

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...for BMC

1. Affidavit-of-service filed in Court today is taken on record.
2. The present writ petition has been filed seeking disbursal of a sum of Rs. 1,23,252/-, being the alleged outstanding dues arising from work order Memo no. 104/RGM/DEV/2013-14 dated 06.03.2014 along with release of the earnest money and the security deposit.
3. It is the case of the petitioners that they have completed the assigned work within the stipulated period under the Bidhannagar Municipal Corporation. Petitioners further submit that they made representation before the Bidhannagar Municipal Corporation but has not heard anything from them.
4. Per contra, learned counsel for the respondent corporation submits that the amount claimed is not an admitted liability and further contends that no

completion certificate has been placed on record to substantiate the completion of work as alleged.

5. It is the categorical submission of the corporation that the existence of a dispute regarding the execution and completion of the contractual work renders the claim factually contested as the amount is not the admitted and no completion certificate has been produced.

6. Upon considering the arguments advanced by the counsels for both the parties and the documents which have been produced on record, this Court finds substance in the contention advanced by the learned counsel for the respondent corporation. No documentary evidence, including any completion certificate has been adduced to establish that the assigned construction work has been completed under the aforementioned work order or that the amount claimed by the petitioners is an admitted sum.

7. In the absence of such foundational documentation and in view of the existence of disputed questions of fact pertaining to the execution and quantification of the alleged dues, this Court is not inclined to invoke its extraordinary jurisdiction under article 226 of the constitution of India.

8. However, the petitioners shall be at liberty to seek redressal of the grievances before the appropriate forum in accordance with law.

9. With the above observations, the present writ petition is disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. There shall be no order as to costs.

12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)