

12-09-2025
Item No.21
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.25092 of 2023
M/s. N.S. Construction & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Pritam Majumder
Mr. Soumya Sankar Chini
Ms. Satabdi Das ...for the petitioners

Ms. Sonal Sinha
Mr. Avishek Prasad ...for the State

Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri ...for the municipality

1. The petitioners seek release of payment pursuant to works done by them.
2. Learned counsel for the Bhatpara Municipality submits, upon instructions, that the petitioners were blacklisted after an inquiry was conducted by the CID.
3. The report of the CID placed before this Court mentions that the firm of the petitioners obtained huge amount of loan from a co-operative bank on the basis of fake work orders issued by the municipality and that huge amount of money has been misappropriated by fraudulent means.
4. Learned counsel for the State has obtained instructions from UDMA department wherefrom it surfaces that no administrative approval and financial sanction has been issued by the department in respect of the works for which the petitioners seek payment.

5. Learned counsel for the municipality has placed before this Court an order dated July 9, 2025 passed by a coordinate Bench of this Court in WPA No.25080 of 2023 (Nanhe Singh v. The State of West Bengal & Ors.) wherein under similar state of facts the Court did not entertain the writ petition. The Hon'ble Division Bench by its order dated August 19, 2024 in MAT No.1451 of 2024 with IA No.CAN 1 of 2024 (Nanhe Singh v. State of West Bengal & Ors.) has also affirmed the decision of the learned single Judge.
6. Upon hearing the respective parties and upon perusal of the documents placed before this Court, it is evident that there are several disputed questions of facts, and that amount claimed by the petitioners is not admitted by the municipality.
7. Under such facts and circumstances of the case, the petitioners' prayer seeking direction upon the authority for releasing payment cannot be allowed. The writ petition, therefore, fails and is hereby dismissed.
8. It will be open for the petitioners to approach the competent forum for relief in accordance with law, if so advised.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

