

04.08.2025.
28
Ct.No.7.
as

WPA 23745 of 2019

M/s. Paul & Company & Anr.
Vs.
The Union of India & Ors.

Mr. Sayan Chattopadhyay, Ld. Sr. Adv.,
Mr. Suprava Jana,
Mr. Ayanava Acharya.

...for the Petitioners.

Mr. Dhiraj Trivedi, Ld. DSGI,
Mr. Arijit Majumdar.

...for the Union of India.

Mr. Rajib Mukherjee,
Ms. Shreyasi Bhaduri.

...for the BSNL.

1. Questioning the legality of the reasoned order dated 18th January, 2019, passed by the Chief Accounts Officer, West Bengal Telecom Circle, respondent No. 4 herein, the present writ petition has been preferred.
2. By the said order, the Chief Accounts Officer expressed his inability to process the petitioners' claim on the ground of non-submission of requisite documents and certain deficiencies in the application. The petitioners further pray for a direction upon the concerned respondents to release the amount allegedly payable to them.
3. Mr. Chattopadhyay, learned Advocate appearing for the petitioners, submits that pursuant to a tender notice issued by the Department of Telecommunication for the foundation and erection of a 40-meter tower, the petitioners participated in

the bidding process and were declared successful bidders. Consequently, a work order was issued in their favour. The petitioners duly executed the work in accordance with the specifications set out in the work order and submitted their bill. However, despite the passage of time, no payment has been made to them till date.

4. The petitioners had submitted a representation to the concerned respondent. However, as the said representation failed to evoke any favourable response, the petitioners were constrained to file a writ petition, being WP 703 (W) of 2009. The said writ petition was disposed of by a Coordinate Bench of this Court by an order dated 14th September, 2018, directing respondent no. 4 to consider the petitioners' representation dated 28th August, 2009. In compliance with the said order, the Chief Accounts Officer passed a reasoned order on 18th January, 2019, which is the subject matter of challenge in the present writ petition.

5. Mr. Chattopadhyay, learned Advocate appearing for the petitioners, submits that all requisite documents, along with the necessary information, have been duly submitted. However, despite receipt of the same, no payment has been disbursed in favour of the petitioners, with the concerned authorities citing one reason after another to delay the process. He accordingly prays for a direction upon the concerned respondent to release the outstanding dues payable to the petitioners. It is further submitted that the bill was initially raised in the year 1996, and the requisite documents

were again submitted in 2009 in compliance with the order dated 14th September, 2018.

6. Mr. Trivedi, learned Deputy Solicitor General submits that that the answering respondent is the Telecommunication Department, BSNL i.e. respondent Nos.2 to 13.

7. Mr. Mukherjee, learned Advocate representing respondent Nos. 2 to 13, submits that the issue may be relegated to the concerned respondents and the petitioners may be directed to submit all relevant documents. He submits that if such relevant documents are submitted by the petitioners, their grievance shall be addressed in accordance with law.

8. Heard the learned Advocates appearing for the respective parties and perused the materials on record.

9. As noted earlier, respondent No. 4, the Chief Accounts Officer, expressed his inability to process the petitioners' claim for outstanding dues, citing their failure to submit requisite documents and certain shortcomings. The petitioners have categorically stated that they submitted all relevant documents as far back as in 1996 and again in 2009.

10. It is indeed disheartening to record that a prestigious institution of this country, namely Bharat Sanchar Nigam Limited (BSNL), had issued a work order in favour of the petitioners as far back as in 1996. Pursuant thereto, the petitioners duly executed the work in accordance with the specifications contained in the said work order. At no point any allegation was raised by the respondents suggesting that the petitioners had failed to comply with the terms and

conditions stipulated therein. Nearly three decades have passed since then, yet the petitioners are being compelled to run from pillar to post in their attempt to realise the outstanding dues. The concerned authority, meanwhile, continues to withhold payment, citing one reason after another, including alleged non-submission of documents and certain purported deficiencies.

11. In view of the above, the reasoned order passed by respondent No. 4 is hereby set aside. Respondent No. 3 is directed to look into the matter personally and examine the documents submitted by the petitioners. If he finds that any additional document or documents is or are required, he shall issue a written direction to the petitioners to furnish the same. Upon receipt of the requisite documents, respondent No. 3 shall take prompt and necessary steps to ensure that the outstanding dues are disbursed to the petitioners without further delay. However, while implementing this order and effecting payment, respondent No. 3 may, if deemed necessary, inspect the sites where the work was carried out by the petitioners.

12. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

13. With this observation, the writ petition is disposed of, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)