

S/L 16
09.01.2025
Court. No. 3
Suvayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 20 of 2025

**Ankur Goswami
Vs.
The State of West Bengal & Ors.**

*Mr. Sankhasuvra Roy
Mr. Debopriya Karan
Mr. Avimannu Das*

...for the petitioner.

*Mr. Momenur Rahman
Mr. Pradip Sarkar*

..for the State.

1. The affidavit-of-service as filed today is taken on record.
2. By a memo dated 29.01.2019 a work order was given to the writ petitioner for execution of a work by the respondent No. 9/authority and the tender amount for the said work has been mentioned in the said memo. It is the case of the writ petitioner that though the respondents/authorities more specifically Sub-Assistant Engineer (A.I.) Mal Development Block, Jalpaiguri has made part payment only once to the petitioner pursuant to the work order as given to the writ petitioner on 29.01.2019 but even after completion of the same the balance consideration amount as payable to the writ petitioner has not been disbursed by the said authority that is the Sub-Assistant Engineer (A.I.) Mal Development Block, Jalpaiguri.

3. It is the case of the writ petitioner that ultimately on 21.11.2024 the writ petitioner made a representation to the respondents/authorities but they remain mum over the matter. The writ petitioner thus prays for issuance of an appropriate writ against the respondent Nos. 2 to 5 for disbursement of balance amount of consideration amount that is Rs. 4,46,338/- along with other due such as security deposit and earnest money including interest.
4. On careful consideration of the entire materials as placed before this Court, this Court considers that justice would be sub-served if the Principal Secretary, North Bengal Development Department, Mitra Building (4th Floor), 8 Lyons Range, Kolkata – 700001 is directed to take a logical decision over the representation dated 21.11.2024 as submitted by the writ petitioner within a specified time.
5. In view of such, while disposing the instant writ petition this Court directs the Principal Secretary, North Bengal Development Department to consider the representation dated 21.11.2024 of the writ petitioner and after giving an opportunity of hearing to the writ petitioner and/or his learned Advocate shall pass a reasoned order on such representation and shall communicate such reasoned order to the writ petitioner forthwith preferably by mail, if mail details of the writ petitioner is furnished at the time of hearing.

6. The entire exercise as indicated in the foregoing paragraph is to be completed within a period of two months from the date of communication of this order.
7. It is, however, made clear that in the event while passing the reasoned order the said Principal Secretary finds that the petitioner's claim of Rs. 4,46,338/- is genuine and he is directed to disburse the admissible amount to the writ petitioner preferably within a month from the date of passing of the reasoned order.
8. Learned Advocate for the State/respondents is hereby requested to communicate the server copy of this order to the Principal Secretary, North Bengal Development Department, Mitra Building (4th Floor), 8 Lyons Range, Kolkata – 700001.
9. Liberty is also given to the learned Advocate for the writ petitioner to communicate the server copy of this order to the Principal Secretary, North Bengal Development Department, Mitra Building (4th Floor), 8 Lyons Range, Kolkata – 700001.
10. The Principal Secretary, North Bengal Development Department is hereby directed to act on the server copy of this order.
11. It is made clear that the time limit as fixed by this Court is mandatory and peremptory.

12. It is made clear that while disposing the instant writ petition this Court has not gone into merits of the claim of the writ petitioner.
13. With the aforementioned observations, the instant writ petition being **WPA 20 of 2025** is hereby disposed of.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)