

S/L 17
09.01.2025
Court. No. 3
Suvayan

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

WPA 22 of 2025

**The new Progressive Labour Co-operative
Contract and Construction Society Ltd. & Anr.
Vs.
The State of West Bengal & Ors.**

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

...for the petitioners.

*Mr. Sumit Kumar
Ms. Rima Sarkar*

..for the State.

1. The affidavit-of-service as filed today is taken on record.
2. By a memo dated 18.02.2019 a work order was given to the writ petitioners 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 petitioners that though the respondents/authorities more specifically Junior Engineer, Mal Development Block has made part payment only once to the petitioners pursuant to the work order as given to the writ petitioners on 29.01.2019 but even after completion of the same the balance consideration amount as payable to the writ petitioners have not been disbursed by the respondents authorities though after completion of the work Junior Engineer, Mal Development Block certified that the work which has been allotted to the writ petitioners

have been completed but payment could not be made due to shortage of fund.

3. It is the case of the writ petitioners that ultimately on 22.11.2024 the writ petitioners made a representation to the respondents/authorities but they remain mum over the matter. The writ petitioners 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. 2,77,735/- 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 22.11.2024 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 22.11.2024 of the writ petitioners and after giving an opportunity of hearing to the writ petitioners and/or its learned Advocate shall pass a reasoned order on such representation and shall communicate such

reasoned order to the writ petitioners forthwith preferably by mail, if mail details of the writ petitioners are 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 petitioners' claim of Rs. 2,77,735/- 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 petitioners 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 also 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 22 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.)