23.11.2026
Ct. No. 444
Sl. No. 6
RANJAN

WPA 711 of 2026

ADITYA ENTERPRISE & ANR.
VS.
THE DURGAPUR MUNICIPAL CORPORATION & ORS.

Ms. Sanghamitra Nandy
.....for the petitioners
Mr. Sandipan Banerjee
Ms. Pubasha Nandy Brahma
.....for the Durgapur Municipal Corporation

Affidavit of Service, as filed, be kept with the record.

Briefly, the case of the writ petitioner is that the writ petitioner has been paid the security deposit, earnest money, and additional security deposit on 04.10.2024, when three writ petitions—WPA 17596 of 2024, WPA 17602 of 2024, and WPA 17621 of 2024—were preferred by the petitioner for release and disbursement of the said amount.

During the pendency of this writ petition, the security deposit, earnest money, and additional security deposit have been disbursed. Consequently, the three writ petitions have become infructuous.

Due to delayed payment, the petitioner filed the instant writ petition seeking statutory interest at 12% per annum.

Hence, this writ petition.

Learned Counsel appearing on behalf of the petitioner submits that the payment of the security deposit, earnest money, and additional security deposit was disbursed by the authority only after the writ petition was initiated.

The Tender notice was issued on 02.08.2018, and the work was completed in March, 2019. As the payment was not made, the petitioner was constrained to file the initial writ petition as mentioned hereinabove. Given the significant delay in payment, she is entitled to statutory interest on the amount she is entitled to receive.

Learned Advocate appearing on behalf of the Durgapur Municipal Corporation submits that the writ petitioner is well aware that the contract stated that the defect liability period would be three years, and further submits that the amount payable to him has been disbursed, despite a delay in payment. In the meantime, the lockdown intervened, which occasioned the delay, and he prays for some relaxation. Further, he submits that the instant writ petition does not deserve to be entertained, on the ground that there is no intentional laches on the part of the Durgapur Municipal Corporation with regard to disbursement.

After considering the rival contentions of the respective parties, this Court is of the opinion that the instant writ petition can be disposed of by directing the respondent no. 2 to consider the representation dated 10.11.2025, being Annexure "P3" to this writ petition, within a period of twelve weeks from the date of communication of this order, after affording an opportunity of hearing to all necessary and interested parties, and to pass a reasoned order.

The reasoned order so passed by him be communicated to all interested parties within a period of four weeks thereafter.

However, it is clear that this Court has not gone into the merits of the case and the authority will, at its discretion, consider the representation strictly in accordance with law. As the Affidavit has not been called for, allegations are deemed to have been denied.

Thus, the writ petition is disposed of. There shall be no order as to costs.

Parties to act on the basis of server copy.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with necessary formalities.

[ATARUP BANERJEE, J.]