23.11.2026
Ct. No. 444
Sl. No. 7
RANJAN

WPA 714 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 being WPA 17596 of 2024 with WPA 17602 of 2024 with WPA 17621 of 2024 was preferred by the petitioner for release and disbursement of the said amount.

During the pendency of this writ petition, the said security deposit, earnest money and additional security deposit has been disbursed. As a result of which though the three writ petitions became infructuous.

Due to belated payment, the petitioner filed the instant writ petition demanding the statutory interest @ 12 % per annum.

Hence, this writ petition.

Learned Counsel appearing on behalf of the petitioner submits that although the payment in respect of the security deposit, earnest money and additional security deposit has been disbursed by the authority but only after initiation of the writ petition.

The Tender notice was issued on 02.08.2018 and completed the work on March, 2019. As the payment was not made for which the petitioner had been constrained to file the initially the writ petition as mentioned hereinabove. As there is a huge delay in paying the payable amount for such reason she is very much entitled to enjoy certain statutory interest in respect of the amount, she is entitled to get.

Learned Advocate appearing on behalf of the Durgapur Municipal Corporation submits that the writ petitioner is well aware that there was a mentioning in the contract that there was a defect liability period would be three years and further submits that the amount payable to him has been disbursed as there was a certain delay to make a payment. In the meantime, lock down intervened as a result of which the delay was occasioned and he prays for some relaxation and further he submits that the instant writ petition does not deserve to be entertained only of the

reason that there is no latches on the part of the Durgapur Municipal Corporation with regard to disbursement of the payable amount.

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.]