

Item No.3
25.03.2026
Court. No. 12
GB

FMA 119 of 2026
With
CAN 1 of 2026

Pradip Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty,
Mr. Gopal Krishna Sarkar

...for the Appellant.

1. The appellant has challenged an order dated December 4, 2025, passed by a learned Single Judge. The appellant prayed for refund of an alleged amount of Rs.27,34,247.70 which was allegedly deposited by the appellant as security deposit in respect of the work orders of 2010-11.
2. His Lordship was of the view that all the work orders in respect of which the security deposit was made, were not available in the records. The completion certificates which were relied upon by the appellant, were of 2007, 2008 and 2009, although the specific case run by the appellant in the writ petition was that the security deposit was made against work orders of 2010-11. Thus, unless the writ court found records to establish that the work was completed to the satisfaction of the authority, the question of refund of the security deposit did not arise. Moreover, the work order was issued allegedly in 2010-11 and the petitioner approached the writ court

in 2025, i.e., after 14 years. In the meantime, the appellant kept silent.

3. Mr. Chakraborty, learned advocate for the appellant relies on a reply given under the Right to Information Act by the authority concerned to support his case. But, we find from the reply given under the Right to Information Act that none of the work orders were available with the records of the authority, no completion certificates granted to the appellant with regard to the completion of the work were also available with the authority.
4. The questions raised by the appellant as to whether the work remained incomplete or whether security deposit was made, remained unanswered in the sense that, the authority could not provide any positive information, as the records did not contain the relevant documents. Under such circumstances, the writ petition was rightly dismissed. It was for the writ petitioner/appellant to prove his case to the extent that he had been issued the work orders, he had deposited the money as security deposit, he had receipts to show that those deposit were made, the work was completed and the completion certificate as to the successful completion of the work had been issued by the concerned authority. The contentions in the writ petition appear to be vague and not

substantiated by any document. The delay has not been explained.

5. Under such circumstances, the writ court could not have been expected to go into a roving enquiry to make out a case for the writ petitioner/appellant. On the specious plea that many documents have been lost, a Writ of Mandamus directing refund of the money allegedly deposited 14 years ago could not have been granted.
6. Accordingly, the appeal and the connected application are dismissed.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)