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11.02.2026  
Ct. No. 3  
SB

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 1782 of 2026

M / s. Neogi Construction and Co. & Anr.  
Vs.  
The State of West Bengal & Ors.

Mr. S. Majumder  
Ms. Kalpita Paul      ... for the petitioners

Ms. Priyabrata Batabyal      .... for the State

1. The matter pertains to non disbursal of the admitted dues of the petitioners. According to the petitioners, the petitioners had executed certain construction work allotted vide work order dated 25.10.2024. Despite the petitioners having executed the work and the completion certificate having been issued on 10.7.2025 since the municipal authorities were not processing the petitioners' bills the petitioners were constrained to approach this Court in WPA 16447 of 2025. By an order dated 12.9.2025 a co-ordinate Bench of this Court was pleased to direct the municipal authorities to treat the writ petition as a representation and decide the same strictly in accordance with law after affording an opportunity to the petitioners.
2. Pursuant to the aforesaid the municipal authorities have decided on the case and passed an order on 09.1.2026 *inter alia* observing as follows:

*“Upon hearing of the matter and scrutiny of the relevant documents it appeared that in terms of that work order No. 3068/17-479/2024-25 dated 25-10-2024 you have completed the assigned work, i.e. renovation of the Bituminous road at Chittaranjan Road from Rathtala More to Nonigopal Saha Road in Ward No. 09 within Krishnanagar Municipality under state/DMA fund. The NIT No. of the work in WBMAD/ULB/KRI/NIT-10/2024-25, Sl No. 05, of which the work order value is Rs. 23.63,562=46(Rupees Twenty Three Lakh Sixty Three Thousand Five Hundred Sixty two & Forty Six Paise) only administrative approval for which had been accorded by the UDMA Deptt. Vide Memo No. G02425021511UM dated. 30-07-2024.*

*The previous Chairman of this Municipality already sent a letter to Principal Secretary, Urban Development & Municipal Affairs Dpt., Nagarayan Bhavan, DF-8, Sector-I, Bidhannagar, Kolkata – 700064 vide Memo No. 316/17-479/2025-26 dated. 23-04-2025 regarding sanction and allotment of the fund i.c.w. the above mentioned work, Xerox copy of which has already been dispatch to your end.*

*Now, another reminder is being sent to the department from this end regarding the same matter, a copy of which is enclosed herewith. Payment shall be made immediately on receipt of fund at this end.”*

3. Petitioners submit that the municipal authorities are yet to disburse the aforesaid sum in favour of the petitioners.
4. Though the Municipality is not represented, learned advocate appearing for the State would submits that the letter dated 09.01.2026 has already been received from the municipality and the State is considering the same.
5. Having regard to the peculiar facts noted hereinabove, I find that the municipality cannot be permitted not to disburse the payment in favour of the petitioners in respect of the works already executed and at the same time it may also be noted that the State is yet to place the funds, though the letter addressed to the Principal Secretary for placing funds is only dated 9<sup>th</sup> January, 2026.

6. It may not be overlooked that in a welfare State like ours, the Government is expected to play a parental role towards its citizens, particularly in matters concerning welfare, protection and infrastructure development. The above principle is rooted in the doctrine of *parens patriae*, meaning “parent of the nation”. It is well settled that a Municipality functions as a parastatal body, acting on behalf of the State in a delegated capacity. There can be no dispute that the benefits of the works, which were completed without any objection regarding quality or process, are presently being enjoyed by the citizens of the State. Therefore, the State is duty bound to take expeditious steps for placing necessary funds.
7. However, since, it is admitted that the primary responsibility for making payment lies with the municipality as noted above and since the bills of the petitioners to the tune of Rs.23,63,562=46 is outstanding accordingly, this above writ petition stands disposed of with a direction upon the Municipality to forthwith process and release the legitimate dues of the petitioners within a period of ten weeks from the date of communication of the order. The Principal Secretary shall take expeditious steps to process the letter dated 9<sup>th</sup> January, 2026 issued by the Municipality and take a decision thereon within eight weeks from the date of communication of this order.

(RAJA BASU CHOWDHURY, J.)