

WPA 5634 of 2024

Subinay Mahato
Vs.
The State of W. B. & Ors.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal ...for the petitioner.

Mr. Jaharlal De
Mr. Durga Bhusan Mukhopadhyay ...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The Executive Officer, Pancha Panchayat Samity floated a notice inviting tender on 22nd February, 2018 for construction of a plain cement concrete road from Penchara Nabin Kuiri's house to Kali Mela Pramanik Para.

Being the highest bidder, the petitioner was found to be qualified for the bid and deposited earnest money to the tune of Rs.30,000/-. An award of contract alongwith a work order was issued in his favour on 8th March, 2018, pursuant to which the petitioner completed the work on 12th April, 2018 and was awarded a provisional payment certificate by the Executive Officer on 29th September, 2020. However, no payment was made to the petitioner even after completion of the work by the petitioner on the

ground that work order was issued without administrative approval of the department.

The Executive Officer sent a requisition for funds before the appropriate authority upon certifying the completion of the work. However, not a farthing was paid to the petitioner.

It is not in dispute that administrative approval was not accorded for the work despite which work order was issued in favour of the petitioner and the work completed. Since the petitioner has completed the work allotted to him by the work order issued by the Executive Officer/Block Development Officer, the petitioner cannot suffer for laches on the part of the authority.

In view of the above, the Department of Paschimanchal Unnayan Affairs and the Executive Officer, Pancha Panchayat Samity, being the 2nd and 7th respondents herein, are directed to take necessary steps for payment of the due amount to the petitioner within six weeks from the date of communication of this order. The said amount shall carry interest @ 6% per annum from the date of the issuance of the completion certificate till the actual payment of the amount.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)