

Item No.15
07.04.2026
Court. No. 12
GB

MAT 462 of 2026
With
CAN 1 of 2026

Keshab Mukherjee
Vs.
The State of West Bengal & Anr.

*Mr. Sourav Prasanna Mukherjee,
Mr. Arka Mondal*

...for the Appellant.

*Mr. Joydip Banerjee,
Ms. Susnita Saha*

...for the Respondents.

1. The appellant is a government contractor and supplier of furniture, timber and other items. The allegation is that the learned Single Judge erred in passing the order dated January 8, 2025 in WPA No.8182 of 2020.
2. According to the learned advocate for the appellant, the learned Judge did not take into consideration that the respondents intentionally suppressed the documents which would indicate that the work order was issued to the appellant and the appellant had completed the work. The appellant was deprived of his legitimate dues in an arbitrary and unreasonable manner and as such, prayers were made for release of the amounts.
3. The matter was heard upon exchange of affidavits. The appellant was the successful bidder in the tender floated by the Backward Class Welfare Department,

Bankura, Government of West Bengal for supply of furniture, timbers and other materials. The writ petition was filed alleging that, although the materials had been supplied as per the work order and the job was completed, the money was not released. It was further alleged that the Project Officer cum District Welfare Officer had also asked the appellant to do excess work. On verbal instructions, the appellant had completed all the excess work in good faith but, ultimately neither was such fact recorded in the office of the project officer nor were the payments released.

4. Mr. Banerjee, learned advocate for the respondents submits that the work was never done. Although, the writ court had directed a meeting to be held between the parties to enable the appellant to produce documents in support of the work done, the documents which were produced were not found in the office of the competent authority. Rather, it was found that some of the documents also did not belong to the office of the competent authority.
5. The meeting was held pursuant to the order dated January 8, 2025 and a report was filed by the respondent authorities. The appellant participated in the meeting and the appellant's grievances were placed before the authorities. Upon hearing the

grievance of the appellant, the authority observed as follows:-

“1. From the office records it is found that a work order vide memo no.944/BNK/BCW dtd. 25.06.2014 was issued from this office in connection with the said work.

2. As per terms & conditions mentioned in the work order earnest money deposition by Agency in the present petitioner and the copy of the formal agreement between the parties i.e. the BCW Deptt Bankura and Petitioner are not available in office records, The agency also failed to submit those documents. These documents were most important documents as these may be cause of cancellation of the work (as per direction of the work order itself).

3. The completion certificate has not been found in office records. There are so many mismatched information/figures in the document in terms of the Tender Documents, work order etc. there exists typing errors too. The then Sub Asstt. Engineer gave a deposition (Annexure A) that the genuineness of the completion certificate is in question and he was in dark about the completion of the work during his tenure in office 2014-1018. During his tenure no such claim on the part of the petitioner was brought under his notice.

4. The Agency claimed that he had completed the work in 2014 but submitted his claim in 2016 February. But from the office records it transpires that such bill

submission documents of the petitioner are not recorded in Office Receipt Register. So officially no such claim of Agency was received in connection with this work.

5. The Then PO cum DWO submitted that he had been released from the office on 18.02.2016 Till then no such bill, even any claim of non-payment of completed works from the petitioner was brought under notice from the Engineering Section of the office or from the Agency himself. The relevant files in this regard were kept and maintained at concerned sections. From time to time various issues were put up before him and decision was taken accordingly.

6. The Agency failed to submit any photographs or videos or list of witnesses in support of his work done which are mandatory for office records. Audit etc.

****It may be mentioned that as per Govt orders any construction related works after completion of works bills are usually prepared from the Engineering Section along with measurement book and after that it is put up before the head of office who finally approved the bill.*

Therefore, due to above observation this office is not in a position to arrange for the payment for the work.”

6. Such observations form a part of the order of His Lordship.
7. The appellant made further submissions on such observations and after hearing the submission of the

appellant, the authorities came to a further conclusion, which are quoted below and which form a part of His Lordship's order:-

“(1) The Then PO cum DWO submitted that Petitioner's plea regarding his verbal instruction is completely false, He submitted that during his tenure no such claim have ever received by him.

(2) The then Teacher-in-Charge Ekalavya Model Residential School submitted that the Petitioner's claim in respect of works at the school is not true. No such work has ever been done or materials as claimed have been received.

(3) The then Superintendent of Nibedita Central Hostel submitted that the Petitioner's claim in respect of works at the school is not true. No such work has ever been done or materials as claimed have been received.

(4) As per the deposition submitted by the then SAE (Annexure-A) that the genuineness of the submission of the petitioner is in question and he was in dark about those works during his tenure in office 2014-1018. During his tenure no such claim on the part of the petitioner was brought under his notice.

(5) From the office records it transpires that such bill submission documents of the petitioner are not recorded in Office Receipt Register. So officially no such claim of Agency was received in connection with this work.

(6) No work order/Supply order for such items were produced during hearing by Sri Keshab Mukherjee as well as no official record were found to corroborate those.

(7) The Agency failed to submit any photographs or videos or list of witnesses in support of his work done which are mandatory for office records. Audit etc.”

8. The Project Officer cum District Welfare Officer categorically submitted at the meeting, upon hearing the allegations of the appellant that no such verbal instructions had been given and no work as claimed by the appellant had been done. The Teacher-in-Charge of the Ekalavya Model Residential School submitted that the claim in respect of the works at the school were not true. No such work was executed and no materials had ever been supplied. The Superintendent of Nivedita Central Hostel submitted that the appellant's claim in respect of the school was also not true. As per the statement of the Sub-Assistant Engineer, the genuineness of the submission of the appellant was in question and he was in the dark about the alleged works which had been executed during 2014 to 2018. During his tenure in his office, no such claim of the appellant was brought to his notice. From the office records it transpired that the bills and the documents submitted by the appellant were not found in the

records. Thus, there were no official records indicating that the appellant had executed the works. It was also found that the agency failed to submit photographs, videos or list of persons who would support its claim in respect of the work done.

9. Considering the report and the specific submissions of the authorities, His Lordship found that there was a dispute with regard to the issuance of the work and the completion of the work. Such disputed questions which emerged from the report of the authority and the submissions of the appellant were beyond the scope of judicial review. A writ court, under Article 226 of the Constitution of India could not go beyond the records. His Lordship rightly dismissed the writ petition. The mismatch in the information, figures, documents and the non-availability of the documents gave rise to factual questions which could not be gone into by a writ court. Although, the completion certificate relied upon by the appellant was of 2015-16, no steps were taken thereafter by the appellant, till the filing of the writ petition in 2020.
10. The decision of the Hon'ble Apex Court in ***ABL International Ltd. & Anr. versus Export Credit Guarantee Corporation*** reported in ***AIR Online 2003 SC 700*** was distinguished on the ground that this was not a clear cut case of arbitrariness and irrational behaviour of the

respondents. The appellant could not prove his case of having executed the work. The documents relied upon by the appellant were not found in the office of the respondents. The respondents allegedly verbally advised the appellant to perform some extra work, which were not documented. The genuineness of the completion certificate of 2015-2016 were in doubt.

11. We do not find any illegality or material irregularity in the order impugned.
12. Accordingly, the appeal and the connected applications are dismissed.
13. Urgent Xerox certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all necessary formalities.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)