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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6123 of 2025

Debasis Roy
Versus
The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Kajal Ray
Mr. Suman Nandi
... For the petitioner.

Mr. Mritunjoy Goswami
Mr. Santanu Sett
... For the State.

1. Affidavit of service filed in Court is taken on record. Despite service, the municipality is not represented.

2. The petitioner is a contractor. The petitioner had participated in a Notice Inviting Tender and was declared the lowest bidder in respect of construction of housing and physical infrastructure (Road, Drain, Sewer Line, Concrete Road and Pathway) at N.N. Roy Street, North and South side Basti Ward No.07, Slum No.18 (Housing - 10 Nos.) Part 10, under Serampore Municipality.

3. According to the petitioner, the entire work entrusted to the petitioner had been completed and the petitioner had also submitted all particulars whereupon the municipality had prepared a final bill under Notice Inviting Tender No. 1927/PW-63/BSUP/3rd Phase dated 3rd February, 2012. According to the petitioner, the

petitioner is entitled to a sum of Rs.8,00,000/- which includes security deposit. Though the work has been certified to have been successfully completed by the Chairman of the municipality, the payment is yet to be disbursed in favour of the petitioner. It may be noticed that repeated representations made by the petitioner have remained unanswered.

4. Heard the learned advocates appearing for the respective parties. Though Mr. Biswas, learned advocate representing the petitioner would insist that this Court should direct the municipality to make payment of the admitted amount, I am of the view, in the facts of this case, it shall be prudent to direct the municipality to consider the representations made by the petitioner and pass a reasoned order. The decision in this regard shall be taken by the municipality within a period of two weeks from the date of communication of this order by giving an opportunity of hearing and by permitting the petitioner to place all documents.

5. It is made clear, in the event, the municipality is of the view that the work has been successfully executed by the petitioner and the defect liability period is over and if any amount is found due, the municipality shall take steps to make payment of the same in favour of the petitioner within four weeks from such date. Such amount shall carry an interest at the rate of 6% per annum from the date when the same became due till such time the same is actually disbursed.

6. It is also made clear that this Court has not gone into the merits of the matter, it shall be open to the municipality to decide on the same being uninfluenced with any of the observations made hereinabove.

7. Since no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed not to have been admitted by the appearing respondents.

8. With the above observations and directions, the writ petition is disposed of.

9. Parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)