19.11.2026
Ct. no.236
SL.4
Samarpita

In the High Court at Calcutta
ConstitutionalWritJurisdiction
Appellate Side

WPA/6576/2023

SK SABER@SEKH SABER
VS
UNIVERSITY OF BURDWAN AND ORS

Mr. Debabrata Saha Roy,
Mr. Subhankar Das,
Mr A. Paul
.. for the Petitioner

Mr. Jyoti Prakash Chatterjee
.. for the University of Burdwan

1. The petitioner is aggrieved by the inaction on the part of the respondent no. 1/University of Burdwan in withholding a sum of Rs. 8,75,553/-.
2. By a memo dated 31st August, 2017, the said university awarded the petitioner a work of outside painting of all residential campuses of the said University. An agreement was executed on 8th September, 2017, by and between the said University and the petitioner.
3. The petitioner executed the work and submitted his bills.
4. It appears from the file note annexed to the writ petition that the appropriate authority approved the bill amount submitted by the petitioner. However, in spite of such approval, no payment was made to the petitioner. The petitioner, on 2nd November, 2022, made a representation to the Vice-Chancellor of the said University. As nothing fruitful happened, the petitioner filed this writ petition.
5. This writ petition was taken up by a coordinate Bench on 17th April, 2023. By an order, the said University was directed

to pay 50% of the outstanding dues, that is, Rs. 8,75,553/-, within 24th April, 2023. By the said order, the respondent/University was also directed to file an affidavit-in-opposition within two weeks from the date of that order.

6. Mr. Debabrata Saha Roy, learned advocate appearing for the petitioner, submits that, the University, being aggrieved by the interim direction dated 17th April, 2023, preferred an appeal being MAT 718 of 2023 before this Court. A Division Bench of this Court, by an order dated 14th December, 2023, dismissed the appeal preferred by the said University.

7. It is further submitted by Mr. Debabrata Saha Roy that, pursuant to the order dated 17th April, 2023, subsequently 50% of the outstanding dues of Rs. 8,75,533/- has been paid to the petitioner.

8. It appears that despite the direction dated 17th April, 2023, the said University has failed to file any affidavit-in-opposition till date.

9. Mr. Jyotiprakash Chatterjee, learned advocate for the said University, submits that the said University is ready and willing to pay the balance amount. However, the University requires some time to complete the formalities, and he seeks two months'time to complete those formalities.

10. It appears that the petitioner, who invested a substantial amount for the purpose of executing the work in connection with the tender floated by the said University, has not been paid his dues despite lapse of a considerable span of time. The said University failed to explain why the legitimate dues payable to a citizen have been withheld for almost seven years without any valid or cogent reason. The said University

cannot enrich itself unlawfully and cannot withhold dues of a citizen for such a long time. The actions and decisions of the University not to release the dues of the petitioner in time are wholly blameworthy and reprehensible.

11. In view of the above, the University is directed to release the amount within a period of two months from the date of communication of this order along-with interest at the rate of 12% *per annum,* for the period commencing from the date of the petitioner's entitlement till the date of actual disbursement. In the event the said University fails to make payment within the period of two months, as prayed for by Mr. Chatterjee, an additional interest of 3% per annum shall be imposed over and above the aforesaid rate of interest.
12. The writ petition being **WPA 6576 of 2023** stands disposed of.
13. There shall be no order as to costs.
14. Urgent Photostat website copy of this order, if appliedfor, be given to parties upon compliance with allrequisite formalities.

(Arjun Ray Mukherjee, J.)