17.11.2026
Ct. No. 444
Sl. No.155
RANJAN

WPA 8214 of 2026

M/S. DIYA NISHA ENTERPRISE & ANR.
VS.
BHATPARA MUNICIPALITY & ORS.

Mr. Jayanta Kumar Datta
Mr. Saikat Shaha Banik

.....for the petitioners

Mr. Pritam Majumdar
Mr. Subhajit Purkait

.....for the Municipality

Affidavit of Service, as filed, be kept with the record.

Briefly, the writ petitioner is a sole proprietor, carrying on business under the name and style M/S. DIYA NISHA ENTERPRISE. The petitioner duly participated in the tender process issued on 05.10.2018 and, according to him, became the successful bidder, and in terms of that, the Work Order was issued. In compliance with the said Work Order, the work has been executed and completed. Upon being satisfied with the work executed by the petitioner, the Chairman of Bhatpara Municipality issued the Work Completion Certificate. Due to non-disbursement of the payable amount, the petitioner was constrained to file a

representation before the authority on 19.06.2020. In view of this, the concerned Municipality released a part payment, but the remaining amount of Rs. 11,91,490/- was not paid.

Being aggrieved and dissatisfied, the writ petitioner duly filed a representation on 17.03.2026, which is still unattended.

Learned Advocate appearing on behalf of the petitioner submits that the Work Completion Certificate has already been issued by the Chairman of the concerned Municipality. He is duty-bound to disburse the entire amount as per the Work Completion Certificate. But the same has not been done, which requires consideration on the part of the concerned Authority.

Learned Advocate appearing on behalf of the Municipal Authority in his usual fairness submits that the Work Completion Certificate has already been issued by the Chairman of the concerned Municipality. He is entitled to realise the entire payable amount. But due to paucity of funds, it could not be disbursed; the paucity arose only because the State Government has not disbursed the funds to date.

Considering the submissions of the respective parties and the records available in the instant writ petition, the petitioner is admittedly entitled to a sum of Rs. 11,91,490/-.

In FMA 385 of 2023, dated 11.10.2023, the Division Bench of this Hon'ble Court duly observed that there are various provisions, especially Sections 71 and 72 of the West Bengal Municipal Act, 1993, which deal with financial assistance from the State Government and loans, respectively, as also the powers of the State Government, as contained in Chapter 28, and more particularly, Sections 429B, 430 and 431. There, there is deep and pervasive governmental control, and, in such circumstances, the State Government is also under obligation to look after the Municipal Administration as well as the financial position.

In view of the above, this Court is of the opinion that the writ petitioner is entitled to a sum of Rs. 11,91,490/-, and the Authorities are also liable to pay the same.

In view of the above, respondent no. 1 and respondent no. 5 are directed to release the admissible amount payable to the petitioner,

as mentioned in the representation dated 17.03.2026, being “P7” to the writ petition, without interest, within a period of twelve weeks from the date of communication of this order.

Thus, the writ petition is disposed of. No order as to costs.

Parties to act on the basis of the server copy.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with necessary formalities.

[ATARUP BANERJEE, J.]