

**IN THE HIGH COURT AT CALCUTTA**  
**CONSTITUTIONAL WRIT JURISDICTION**  
**APPELLATE SIDE**

**Present :-**

**The Hon'ble Justice Raja Basu Chowdhury.**

**WPA 15030 of 2025**

*S.S.T. Engineering.*  
-Vs-  
*State of West Bengal & Ors.*

For the petitioner:

Mr. Amitava Ghosh,  
Mr. Tapas Kumar Dey,  
Mr. Firdous Samim,  
Ms. Gopa Biswas,  
Ms. Ankita Ghosh,  
Mr. Md. Imzamamul Islam.

For the Purulia Municipality :

Mr. Sougata Mitra,  
Ms. Soma Chakraborty,  
Mr. Nikhil Gupta,  
Mr. Subhadeep Maitra.

For the State:

Mr. Alok Banerjee.

Hearing concluded on: 14.01.2026.

Judgment on: 14.01.2026.

**Raja Basu Chowdhury, J. : –**

1. The instant writ petition has been filed for a direction upon the respondents to make payment to the petitioner as per contractual terms and to release 1<sup>st</sup> R.A. Bill of Rs.12,79,2107/-.

2. The petitioner claims to have participated in an online e-tender and having become the lowest bidder was awarded work order dated 14th March, 2024 in respect of house service water connection to 4979 numbers of premises at different wards up to private property line with 20 mm OD HDPE (PE 100, PN 16) with necessary connection accessories including water metre and restoration of damage of roads/pavements etc. for Water Supply Scheme at Zone IV (ward nos.6, 7, 9 & 23) under Amrut 2.0 within Purulia Municipality.

3. According to the petitioner though the petitioner has executed 50% of the job and had submitted first running account bill on 30th May, 2024, since payments have not been made, the petitioner was constrained to approach this Court. After filing of the above writ petition, approximately Rs.35 lakhs have been disbursed.

4. The Learned advocate for the municipality would, however, submit that part of 50% of the R.A. bill has already been disbursed in favour of the petitioner. According to him, the balance amount could not be disbursed since the respondents are awaiting approval from the Governmental authority.

5. When the above writ petition was moved by order dated 12th November, 2025, this Court had directed the respondents to file a report.

6. From the report filed by the respondents it appears that a show-cause notice has been issued on the petitioner on 25<sup>th</sup> November, 2025 for the delay in execution of the work. Accordingly, this Court had called for the record by order dated 26<sup>th</sup> November, 2025. Despite the above since, the

records were not produced, this Court had directed the respondent no.4 to be personally present in Court with the records.

7. Pursuant to the order dated 2<sup>nd</sup> January, 2026, the respondent no.4 is personally present before this Court. The records have also been produced. This Court has considered the records, *inter alia*, including the Measurement Book.

8. Mr. Ghosh, learned counsel appearing for the petitioner in response to a query of this Court submits that the work was not completed since, the site was not made available to the petitioner. To substantiate the same, reliance is placed on the letter dated 22<sup>nd</sup> April, 2025.

9. Having heard the learned advocates for the respective parties, I find that the petitioner claims to have completed 50% of the work, the rest of the work is yet to be completed. The contract period has long expired and there is no further extension issued by the respondents. The response to the show-cause dated 25<sup>th</sup> November, 2025 is yet to be considered by the respondents. The case made out by Mr. Ghosh from the bar as regards the obligation of the respondents to identify the site, even though the contract is clear, do not find support from the statements made in the petition. The aforesaid matter does not appear to be a case where the facts are entirely admitted. The petitioner may have a very good chance of success, however, several factual issues would be required adjudication which cannot be conveniently done in exercise of extraordinary writ jurisdiction.

10. This apart, I find that part payment has already been made in favour of the petitioner. Though, Mr. Ghosh, would seek to contradict the same, I find from the records, which have been produced, especially the first R.A. Bill, bears the counter-signature of the petitioner. The said R.A. Bill records that Rs.35,30,560/- has already been disbursed in favour of the petitioner. The copy of the 1<sup>st</sup> R.A. Bill is taken on record.

11. Considering the peculiar facts, the disputed questions being involved, in my view, it shall not be proper for this Court to issue any mandatory direction upon the respondents to make payment of the petitioner's claim.

12. The writ petition, accordingly, stands dismissed. Dismissal of the instant writ petition shall, however, not stand in the way of the petitioner to maintain its claim before appropriate forum, if so advised.

13. The time spent by the petitioner before this Court shall stand excluded provided proceedings are initiated within a period of one month from the date of receipt of this order.

14. The personal appearance of the respondent no.4 is dispensed with.

**(Raja Basu Chowdhury, J.)**

**(Pritam).**