

29.06.2026  
Ct. 3  
Item No.  
AD 9  
Saswata

**WPA 18144 of 2025**

**S. Construction & Co.  
Versus  
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya  
Mr. Sounak Mondal

...For the petitioner

Mr. D.N.Roy, Ld. GP  
Mr. Sukanta Ghosh  
Mr. Arghya Chatterjee

...For the State

Mr. Gautam Lahiri

...For the respondent nos. 2 to 5

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents to disburse the residual tender amount due and payable to the petitioner in respect of the work order being no. 392/PW/63 and 393/PW/63 dated 16<sup>th</sup> May 2017 in respect of the work executed by the petitioner.
2. The petitioner claims to have been awarded a tender for construction of concrete road and drain at New Mahesh in ward no. 27. The petitioner further claimed to have completed such work. According to the petitioner despite repeated representations being made, the municipality has not made payment and has cited non availability of fund as a ground for non payment.
3. Learned advocate appearing for the municipality would submit that there are issues in relation to

work executed by the petitioner. According to him, the work is not complete.

4. Having heard the learned advocates appearing for the respective parties and noting that on previous occasion, the municipality by letter dated 22<sup>nd</sup> February 2019, had claimed that payment was held back due to non availability of fund and though such response appears to be cryptic, I am of the view that having regard to the present stand taken by the municipality, it is prudent to direct the municipality to decide on the petitioner's representation dated 22<sup>nd</sup> July, 2025 by passing a reasoned order by affording an opportunity of hearing to the petitioner.
5. Though, the learned advocate appearing for the municipality had submitted that the petitioner, despite requests, had not appeared before the municipality. However, having regard to the peculiar facts, I am of the view that a further opportunity should be afforded to the petitioner before the municipality takes a decision. Accordingly, the municipality, upon giving an opportunity of hearing to the petitioner, shall decide on the petitioner's representation dated 22<sup>nd</sup> July 2025 forming annexure P-7 to the present writ petition, by passing a reasoned order in accordance with law.
6. Needless to note, if any amount found due and payable in favour of the petitioner, the same shall be disbursed to the petitioner in accordance with law. On the contrary if the municipality finds the work to be incomplete or there is any liability on account of

the petitioner, appropriate steps must be taken by the municipality in accordance with law. It is expected that decision in this regard shall be taken by the municipality within a period of 12 weeks from date.

7. With the above direction and observation, the writ petition is disposed of.
8. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

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