

S/L 15
18.02.2026
Court. No. 25
Suwayan

WPA 8182 of 2020

Keshab Mukherjee
Vs.
The State of West Bengal & Anr.

Mr. Sourav Prasanna Mukherjee
Mr. Arka Mondal

...for the Petitioner.

Mr. Joydip Banerjee

...for the State.

1. The petitioner has filed the present writ application praying for a direction upon the respondent no. 2 to release the arrear payment of Rs. 13,50,000/- against work done by the petitioner as per the work order issued by the respondent no. 2. The petitioner has relied upon the work order dated June 25, 2014 with respect of plinth protection, repairing roof and making water proofing treatment on roofs of "C" type and "D" type quarters (six numbers) in BCW compound at Nutanchati, Bankura.
2. The petitioner further relied upon another work order dated July 9, 2015 issued by the Project Officer-cum-District Welfare Officer, Backward Classes Welfare, Bankura for supplying Orient ceiling fan, emergency light and stand fan for EMRS, Mukutmonipur, Bankura. It is the further case of the petitioner that apart from the said work order, the District Project Officer has also issued verbal work orders to the petitioner and the petitioner has completed all the work orders and raised the bills accordingly.

3. The petitioner has relied upon the completion certificate issued by the Project Officer-cum-District Welfare Officer, Backward Classes Welfare, Bankura dated June 26, 2018 wherein it is certified that the agency has completed the work in all respect and full satisfaction of the department.
4. The grievance of the petitioner is that as per the written work orders and verbal work orders, the petitioner has completed the work and has submitted bills. The authorities have also issued the completion certificate but have not released the payment accordingly, the petitioner has filed the present writ application.
5. By an order dated January 8, 2025 this Court directed the respondent no. 2 to hold a meeting with the petitioner within a period of two weeks from the date of the order and the petitioner is directed to produce all relevant documents justifying his claim. The respondent authorities were directed to file the report with regard to the outcome of the meeting. In compliance of the order dated January 8, 2025 the respondent authorities have filed the report. The petitioner has participated in the said meeting and the petitioner has placed his grievances before the authorities. After hearing of the grievance of the petitioner the authorities have observed as follows:

“1. From the office records it is found that a work order vide memo no.944/BNK/BCW dtd. 25.06.2014 was issued from this office in connection with the said work.

2. As per terms & conditions mentioned in the work order earnest money deposition by Agency

in the present petitioner and the copy of the formal agreement between the parties i.e. the BCW Deptt Bankura and Petitioner are not available in office records, The agency also failed to submit those documents. These documents were most important documents as these may be cause of cancellation of the work (as per direction of the work order itself).

3. The completion certificate has not been found in office records. There are so many mismatched information/figures in the document in terms of the Tender Documents, work order etc. there exists typing errors too. The then Sub Asstt. Engineer gave a deposition (Annexure A) that the genuineness of the completion certificate is in question and he was in dark about the completion of the work during his tenure in office 2014-1018. During his tenure no such claim on the part of the petitioner was brought under his notice.

4. The Agency claimed that he had completed the work in 2014 but submitted his claim in 2016 February. But from the office records it transpires that such bill submission documents of the petitioner are not recorded in Office Receipt Register. So officially no such claim of Agency was received in connection with this work.

5. The Then PO cum DWO submitted that he had been released from the office on 18.02.2016 Till then no such bill, even any claim of non-payment of completed works from the petitioner was brought under notice from the Engineering Section of the office or from the Agency himself. The relevant files in this regard were kept and maintained at concerned sections. From time to time various issues were put up before him and decision was taken accordingly.

6. The Agency failed to submit any photographs or videos or list of witnesses in support of his

work done which are mandatory for office records. Audit etc.

****It may be mentioned that as per Govt orders any construction related works after completion of works bills are usually prepared from the Engineering Section along with measurement book and after that it is put up before the head of office who finally approved the bill.*

Therefore, due to above observation this office is not in a position to arrange for the payment for the work.”

6. After the said observation, the petitioner has made further submission and after hearing the submission of the petitioner the authorities have further come to the conclusion which reads as follows:

“(1) The Then PO cum DWO submitted that Petitioner's plea regarding his verbal instruction is completely false, He submitted that during his tenure no such claim have ever received by him.

(2) The then Teacher-in-Charge Ekalavya Model Residential School submitted that the Petitioner's claim in respect of works at the school is not true. No such work has ever been done or materials as claimed have been received.

(3) The then Superintendent of Nibedita Central Hostel submitted that the Petitioner's claim in respect of works at the school is not true. No such work has ever been done or materials as claimed have been received.

(4) As per the deposition submitted by the then SAE (Annexure-A) that the genuineness of the submission of the petitioner is in question and he was in dark about those works during his tenure in office 2014-1018. During his tenure no such claim on the part of the petitioner was brought under his notice.

(5) From the office records it transpires that such bill submission documents of the petitioner are not recorded in Office Receipt Register. So officially no such claim of Agency was received in connection with this work.

(6) No work order/Supply order for such items were produced during hearing by Sri Keshab Mukherjee as well as no official record were found to corroborate those.

(7) The Agency failed to submit any photographs or videos or list of witnesses in support of his work done which are mandatory for office records. Audit etc.”

7. Considering the report submitted by the authority, this Court finds that there is a dispute with regard to issuance of work order and completion of work by the petitioner and as such the learned counsel for the State submits that it is not possible for the respondents to release any amount as the petitioner failed to prove his case that any work order was issued to the petitioner and the petitioner has completed the work. He further submits that this is a disputed question of fact which cannot be decided in the present application.
8. *Per contra*, learned advocate appearing for the petitioner has relied upon the judgment in the case of ***ABL International Ltd. & Anr. vs. Export Credit Guarantee Corporation*** reported in ***AIR Online 2003 SC 700*** and submits that the Hon'ble Supreme Court has categorically held that in an appropriate case, a writ petition as against the State or an instrumentality of the State arising out of the contractual obligation is maintainable. He further submits that in the present

case the authorities have issued the work order, the petitioner has completed the work order subsequently, the authorities have issued the completion certificate and as such the writ petition is maintainable.

9. The petitioner is also relied upon the unreported judgment in the case of ***Raiganj Municipality and Ors. vs. Nandalal Saha and Ors.*** passed in ***MAT 896 of 2025*** dated July 14, 2025 and submits that in the said case also the Division Bench of this Court has come to a conclusion that the Raiganj Municipality is liable to pay the amount to the petitioner and appellate the order passed by the learned Single Bench.
10. Considered the submission made by the learned counsel for the respective perused the materials on record, report submitted by the authority and the judgment relied by the petitioner.
11. This Court finds that the petitioner has relied upon the written work orders, completion certificate and the bill submitted by the petitioner. In terms of the order passed by this Court dated January 8, 2025, the respondents held meeting along with the petitioner. During the meeting the documents which the petitioner has relied upon are not available in the office of the respondents. It was also found that the document which the petitioner has relied upon has not been issued from the office of the respondent authorities. In the report, it is also mentioned that there are so many mismatched information and figures. The Sub-Assistant Engineer

who was posted during the period of 2014-2018 stated that no such claim was filed by the petitioner.

12. In the present case, this Court finds that the work orders and the completion certificate which the petitioner has relied upon are of 2015 and 2016. In the year 2018 itself it was informed to the petitioner to produce supporting documents/work orders of the work done by the petitioner but thereafter no steps was taken by the petitioner.
13. Now only in the year, 2020 the petitioner has filed the writ petition claiming the demand of 2014-2018. Thus the claim made in the writ petition itself barred by limitation.
14. Considering the above, this Court finds that there is a disputed question of fact as the documents which the petitioner has relied upon that has been denied by the authorities. In a writ jurisdiction under Article 226 of the Constitution of India this Court cannot decide the disputed question of fact. The judgment relied by the petitioner is distinguishable from the facts and circumstances of the present case.
15. WPA 8182 of 2020 is dismissed.
16. However, there shall be no order as to costs.
17. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)