

**In the High Court At Calcutta
CIVIL APPELLATE JURISDICTION
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Biswaroop Chowdhury**

**FMA/7/2026
BRAJAGOPAL SAHA
VS
THE STATE OF WEST BENGAL AND ORS
IA NO: CAN/1/2026**

For the Appellant : *Mr. Subinay Dey, Advocate
Mr. Debanjan Das, Advocate
Ms. Supriya Roy, Advocate
Mr. Samrat Acharya, Advocate*

For the Respondents : *Mr. Hirak Barman, Advocate
Mr. Sandip Guha Roy, Advocate*

Heard & Judgment on: March 16, 2026

Debangsu Basak, J.

1. Appeal is directed against an order dated January 13, 2026 passed in WPA 653 of 2025.
2. By the impugned order, learned Single Judge dismissed the writ petition, after returning a finding that, the writ Court is not in a position to hold that the writ petitioner is rightly entitled to the money as claimed.
3. Learned advocate appearing for the appellant submits that, a tender was floated. Appellant participated in such tender. Appellant was issued a work order. He submits that, the appellant executed such

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work order to the satisfaction of the Authorities. He draws the attention of the Court to a writing dated February 17, 2024 issued by the Block Development Officer, which according to him, acknowledges that the work order was issued and 100% work was completed. Consequently, he submits that, the claim of the appellant is admitted.

4. Relying upon **(2004) 3 SCC 553 [ABL International Ltd. and Ors. vs. Export Credit Guarantee Corporation of India Ltd. and Ors.]**, learned advocate appearing for the appellant submits that, since the claim of the appellant is admitted, the writ petition should be allowed. According to him, learned Single Judge erred in dismissing the writ petition.
5. Learned advocate appearing for the appellant draws the attention of the Court to the checkered history of the litigation. He submits that, initially due to non-payment, appellant approached the writ Court by way of writ petition, being WPA 1466 of 2024. He submits that, such writ petition was disposed of by an order dated August 14, 2024 requiring the authorities to consider and dispose of the representation made by the appellant. The authorities not complying with such direction, appellant filed a contempt petition, being CPAN 9 of 2025. Subsequently, authorities disposed of the representation by a reasoned order dated February 18, 2025. He draws the attention of the Court to such reasoned order. He submits that, such reasoned order was assailed by way of the writ petition being WPA 653 of 2025, which resulted in the impugned order. He submits that in the writ petition, a direction was issued for adding the concerned Block Development Officer as a party respondent in the writ petition. He submits that, such Block Development Officer was added as a party respondent. However, such Block Development Officer did not contest the proceeding.

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6. Learned advocate appearing for the appellant submits that, the claim of the appellant cannot be negated on the plea that the concerned Block Development Officer exceeded its authority in issuing the work order. He submits that, there are no materials on record to suggest, let alone establish that the authorities took any steps against the erring Block Development Officer.
7. State authorities are represented.
8. We find from the records that, the claim of the appellant is one of recovery of money for work done in terms of a tender. Apparently, work order was issued in favour of the appellant. There is also a writing dated January 17, 2024, which records that 100% work was completed.
9. Apparently, the appellant was not paid for the work order executed. Appellant approached the writ Court by way of a writ petition being WPA 1466 of 2024 which was disposed of by an order dated August 14, 2024, requiring the authorities to consider and decide the representation. Authorities failing to comply with such direction, within the time specified, a contempt petition was filed. Subsequently, the authorities complied with the direction dated August 14, 2024 passed in WPA 1466 of 2024 and a reasoned order dated February 18, 2025 was passed.
10. In the reasoned order, the authorities took the stand that there was no proof available in the office of the Block Development Officer which provides administrative and financial approval from the competent authority for issuing the subject work order.
11. In such circumstances, the concerned Block authorities declined to make payment to the appellant and rejected the writ petition.

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12. The reasoned order dated February 18, 2025 was assailed by way of the writ petition being WPA 653 of 2025 in which the impugned order was passed.
13. At the very least, there are disputed questions of facts involved. The dispute is whether there was any prior administrative and financial approval granted to the concerned Block Development Officer to float the tender in the first place. There are allegations of the appellant and concerned Block Development Officer being hand in glove.
14. Writ Court is not called upon to re-appreciate the evidence and substitute its findings with which the authorities took. As noted above, there are disputed questions of facts involved.
15. **ABL International Ltd.** (supra) is of the view that, in an appropriate case, a writ is maintainable for a money claim. We do not find this to be an appropriate case for intervention under Article 226 of the Constitution of India.
16. Since there are disputed questions of facts involved, the learned Single Judge rightly, declined to entertain the writ petition.
17. We find no ground to interfere with the impugned order, in the facts of the present case.
18. However, this judgment and order of ours will not prevent the appellant from availing of his remedies before an appropriate forum, in accordance with law, if so advised.
19. FMA/7/2026 along with connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

20. I agree

(Biswaroop Chowdhury, J.)