

17.09.2024
Item No.61
RP
Ct. No.7

WPA 2134 of 2023
Partha Guha
Vs.
The Secretary, M.F. Department & Ors.

Mr. Saptangshu Basu, Sr. Adv.
Mr. D. Sen
Ms. Suchismita Chatterjee Ghosh
Mr. Malay Kumar Ghosh
....for Petitioner

Mr. Jayanta Samanta
Mr. Kushal Biswas
....for State

Mr. Arka Kumar Nag
Ms. Deboleena Ghosh
....for Raiganj Municipality

Mr. Sayan Sinha
Mr. Adil Naser
Mr. Nilanjan Bhattacharya
....for Respondent No.10

Mr. Srijan Nayak
Mrs. Rituparna Maitra
....for Balurghat Municipality

1. The grievance of the petitioner is that admitted dues with regard to installation, commissioning and running of water treatment plants in three municipalities, namely, Bashirhat Municipality, Bongaon Municipality and Balurghat Municipality, have not been released.
2. Mr. Basu, learned senior counsel appearing for the petitioner, on instruction, prays for leave to deposit additional Court fees on or before 18th September, 2024.

3. As prayed for by Mr. Basu, learned senior counsel, leave is granted to the petitioner to put in additional Court fees on or before 18th September, 2024.

4. In paragraph 8 of the writ petition the petitioner has given a tabulated statement with regard to the amount which is lying outstanding in respect of aforesaid three municipalities. With regard to Balurghat Municipality it appears that a sum of Rs.6,23,175/- is lying due and outstanding against 9th RA+Final Bill. A security deposit as deducted from 9th RA+Final Bill amounting to Rs.1,68,000/- is also lying due from the said municipality. From the report in the form of affidavit affirmed by one Sajal Kumar Sarkar, being Superintending Engineer, Department of Urban Development and Municipal Affairs, Government of West Bengal it appears that the petitioner was requested to cooperate with the authority by returning back the provisional approved drawings of the Executive Engineer for onward processing of the pending bills. Mr. Basu refers to the affidavit-in-reply to such report wherefrom it appears that the aforesaid documents have been submitted to the office of the Executive Engineer, Malda Division on 8th September, 2023.

5. Mr. Nayak, learned advocate appearing for the Balurghat Municipality submits that unless recommendation for payment is made by the Municipal Engineering Department, the municipality cannot release the fund in favour of the petitioner.
6. Mr. Samanta, learned advocate representing the State seeks an accommodation to take instruction in this matter as to how soon such recommendation for payment can be issued from the concerned Directorate.
7. From the said tabulated statement it appears that insofar as the Bongaon Municipality is concerned, a sum of Rs.2,44,15,897/- is lying due and outstanding on the alleged ground of trial run. A further sum of Rs.1,34,17,501/- is also lying due and outstanding in respect of the supplementary bill for Idle Labour and periodic maintenance charges and security deposit to the tune of Rs.1,65,46,905/- is also lying due from Bongaon Municipality.
8. In the report of the Municipality it has been stated that only upon receipt of written recommendation from the Executive Engineer and recommendation for payment for electro-mechanical works by the Technical Advisor, Municipal Engineering Directorate

such payments can be released. It appears from the report in the form of affidavit of the Superintending Engineer that the payment was withheld on account of non-commissioning the water treatment plant as raw water was not available for trial run. On a query of this Court, Mr. Samanta seeks accommodation to take instruction as to how soon the raw water can be supplied for commissioning of the water treatment plant.

9. Insofar as the Basirhat Municipality is concerned, learned advocate appearing for the Basirhat Municipality submits that the amount claimed in the writ petition is disputed by the municipality. In respect of Basirhat Municipality it appears that a sum of Rs.3,77,56,450/- has been withheld on the ground of trial run, a sum of Rs.2,55,94,769/- on account of security deposit and supplementary bill amounting to Rs.1,36,16,356/-.
10. None appears for the Basirhat Municipality in spite of notice. Reason for withholding the aforesaid amount is on account of non-supply of raw water. Mr. Samanta seeks time to take instruction and to revert back to the Court on the next occasion.

11. List this matter on 19th September,2024 under the heading "For Order" to enable Mr. Samanta, learned advocate to take instruction in this matter.

12. Learned advocate-on-record of the petitioner is directed to intimate the next date of hearing to the respondents or their learned advocates in course of this day.

(HIRANMAY BHATTACHARYYA, J.)