

S/L 16
30.03.2026
Court. No. 25
suwayan

WPA 28942 of 2025

M/s. Kayal Construction
Vs.
The State of West Bengal & Ors.

Mr. Subhabrata Datta
Mr. Shankar Prasad Dalapati
Mr. Jitendra Barik
Mr. Aranya Saha

...for the petitioner.

Mr. Ranjit Rejak

...for the State.

1. The petitioner has filed the present writ application praying for a direction upon the respondents/authorities to take appropriate decision for terminating the balance work that is the 40 mtr. and 71 mtr. which could not be executed by the petitioner due to the resistance of two local people and for release of the amount to the work which the petitioner has completed.
2. Learned counsel for the petitioner submits that on March 1, 2016 a work order was issued to the petitioner for reconstruction, remodeling and improvement of embankment in Sundarbans and adjoining areas in the District of South 24 Parganas, West Bengal, damaged by severe cyclone 'Aila' on the right bank of river Rangabelia gong within Ch. 21.00 k.m. to 24.00 k.m. for a length of 2687 meter including construction of 900 m.m. dia. Single Vent H.P. Sluice Structure at Mouza – Lahiripur, Block and P.S. – Gosaba under Joynagar Irrigation Division. As per the work order issued by the petitioner, the petitioner has completed the work except the two

patches i.e. length 40 mtr. and 71 mtr. due to the objection raised by the two local persons. The matter was brought to the notice to the authorities and accordingly the Project Manager has called the two person who have objected for completion of the said portion of work but before the Project Manager the said persons have objected and not given consent to make the construction in the said area.

3. Accordingly, the Project Engineer and Sub-Division Officer Gosaba Irrigation Sub-Division has recommended for termination of the contract in accordance with law. On December 19, 2022, the Project Manager (II) (Works) had issued the certificate wherein it is mentioned that the work awarded to the petitioner is under progress approximate 90.50% work had been completed and 11th R/A bill has been drawn amounting to Rs. 19,24,08,157.72.
4. Subsequently, the petitioner has made several representations to the authorities but authorities have not terminated the contract due to which the final bill could not be released with regard to the work executed by the petitioner in terms of the work order. On May 19, 2025 the Project Director-I (Work) has also recommended to the Chief Engineer, South Irrigation and Waterways Directorate by recommending for termination of the contract as the two private persons are not allowing the petitioner to complete the work for two patches of the land. In spite of the recommendation

made by the Project Manager the matter is pending before the Chief Engineer for taking appropriate steps.

5. Learned counsel for the respondents has handed over the written instruction issued by the Executive Engineer – I dated January 6, 2026 and submits that the petitioner has not followed the Sub-Clause 67.1 of the General Condition of Contract and as such the writ petition is not maintainable. In the said letter it is further mentioned that the termination of the contract is under favourable consideration with the Chief Engineer, South, I and WD and it is under process for favourable disposal. In the said letter it was also mentioned that the petitioner had already prayed for honourable termination of the contract being mutually agreed with no other claim except the executed amount of work done at site.
6. Learned counsel for the petitioner submits that the petitioner denying the contention made in the said letter that the petitioner agreed that he will claim any amount except the work done at the site.
7. Considered the submission made by the learned counsel for the respective parties, this Court finds that the work was awarded to the petitioner on March 1, 2026. There is no denial that the petitioner has completed the work except the two patches that is 40 mtr. and 71 mtr. The petitioner could not complete the said construction of the said patches of the work due to the objection raised by the two persons. When the petitioner has informed the said authorities, the authorities also called the said two persons and before the authorities also the two persons

are reluctant to allow the petitioner to make any construction in the said patches of land.

8. Accordingly, the Project Manager recommended for termination of the contract but in spite of the recommendation made by the Project Manager, the matter is still pending before the Chief Engineer for consideration.
9. Considering the above, this Court finds that no purpose would be served by keeping the writ petition pending.
10. The respondent no. 2 is directed to consider the request of the petitioner with the recommendation of the Project Director – I (Work) with regard to termination of the contract only to the said patches of the work that is 40 mtr. and 71 mtr. as the two private persons are raising objection and the petitioner could not able to complete the said work within a period of four weeks from the date of receipt of this order and once the termination is done, the respondent no. 3 shall consider for release of the payment of the petitioner within a period of two weeks thereafter.
11. WPA 28942 of 2025 is disposed of.
12. Urgent Xerox certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)