

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C)No.472 of 2021

Shri Pankaj Mallik

----Petitioner(s)

Versus

The State of Tripura and Ors.

----Respondent(s)

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For Petitioner(s) : Mr. N. Majumder, Adv.

For Respondent(s) : Mr. M. Debbarma, Addl. G.A.

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**HON'BLE MR. JUSTICE S. TALAPATRA**

**Order**

**28/02/2022**

Heard Mr. N. Majumder, learned counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

**02.** By means of this writ petition, the petitioner has urged this court for directing the respondents to make payment of the balance amount including the security deposited due to be paid to the petitioner for successful completion of the tender work. The petitioner has further urged this court for directing the respondents to make the full payment as the petitioner has completed the work in terms of the work order.

**03.** The respondents No.1, 2 & 3 filed a separate reply and the respondent No.4 has filed another reply in response to the averments made in this writ petition. In the reply of the respondent No.4, a communication of the Executive Engineer,

DWS Division, Bishalgarh dated 20.02.2018 has been enclosed.  
Considering the relevance of the said letter the entire text is reproduced hereunder:

"GOVERNMENT OF TRIPURA  
OFFICE OF THE EXECUTIVE ENGINEER  
DWS DIVISION BISHALGARH  
SEPAHIJALA DISTRICT

No.F.4(100)/EE/DWS/BLG/13-14/10,768-71

Dated, Bishalgarh the 20 February, 2018

To  
The AIG of Police (Housing & Construction)  
O/O the Director General of Police  
Tripura, Agartala

Sub: Placement of balance fund for construction of 40,000 Gallon Capacity RCC Overhead water Tank at 1<sup>st</sup> BN TSR, Gakulnagar.

Reference:- Your letter No.5374-75/B.V.(368)-PHQ/17 dated 3-2-2018

Sir,

While referring to the above, I am submitting herewith a copy of Technically sanctioned estimate for an amount of ₹56,48,402/- (Rupees Fifty six lakh forty eight thousand four hundred two) only including 3% contingency charge and copy of Work Order for further disposal please.

It is mentioned here that up to date fund received ₹47,27,500/- & up to date expenditure incurred in full and U.C. submitted. At present the work is almost completed & accordingly the Agency of the aforesaid work impressing hard for further payment, so you are kindly requested to make an arrangement for placement of balance amount i.e. (₹76,77,439/- - 47,27,500/-) = ₹29,49,939/- of the aforesaid work as early as possible so that the said Overhead tank can be commissioned shortly.

Yours faithfully

Encl:-1) No. copy of Technical sanctioned estimate  
2) Copy of Work order

Er. A. K. Das  
Executive Engineer  
D.W.S. Division, Bishalgarh"

**04.** What is noticed from the said letter dated 20.02.2018 is that the petitioner has been paid a sum of Rs.47,27,500/- on running account. The estimated amount for the work namely Construction of 40,000 Gallon Capacity RCC Overhead Water Tank at 1<sup>st</sup> Battalion TSR, Gakulnagar was Rs.56,48,402/-. But it appears that the said amount had been

revised and enhanced. From the said letter, it appears that the Department is further entitled to receive a sum of Rs.29,49,939/- on account of the said construction.

**05.** In para-6 of the reply filed by the respondents No.1, 2 & 3, it has been stated that the said amount to the extent of Rs.29,49,939.00/- has been placed in the account of the Executive Engineer, DWS Division, Bishalgarh for payment to the petitioner for his work. Therefore, there is no impediment in making the payment if the assigned work has been successfully completed.

**06.** Mr. N. Majumder, learned counsel appearing for the respondent having referred to the measurement book of the Site Engineer has stated that the construction of the said overhead tank is complete and the final measurement was taken. He has referred to the pages of the measurement book. On those private notes, this court cannot make any comment.

**07.** Be that as it may, this court has reasons to believe that the construction is over and since long the full payment is due to the petitioner. This court will not go for any calculation of the due. The respondents are jointly directed to take the necessary steps for drawing up the completion certificate and make the payment to the petitioner in accordance with the work order. It is also further mentioned that if any part of the work

appeared to the respondents is incomplete, the substantive amount for the completed work be paid and as there is no dearth of fund, the payment on completion shall be made within a period of 45(forty five) days from today. There shall be no interest on the said amount, if paid within the specified time. Else the petitioner may raise claim for interest.

In terms of the above, this writ petition stands disposed of.

A copy of this order be supplied to Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents for onward transmission.

**JUDGE**



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