

(2018) 01 CAL CK 0171
In the Calcutta High Court
Case No : 623 of 2017

SMT. LAXMI BHATTER

APPELLANT

Vs

STATE OF WEST BENGAL & ORS.

RESPONDENT

Date of Decision : 12-01-2018

Acts Referred:

Citation : (2018) 01 CAL CK 0171

Hon'ble Judges : Subrata Talukdar

Bench : Single Bench

Advocate : Kamal Das, Ranajit Chatterjee, Arijit Dey, Kumkum Das

Judgement

1. Party/parties are represented in the order of their name/names as printed above in the cause title.
2. Learned Advocate for the petitioner submits that he is an authorized distributor of medicines under one M/s. Tablets India Limited to the respondent no.2/Kolkata Municipal Corporation (KMC). Learned Advocate for the petitioner further submits that medicines were supplied against confirmed orders from 2014 through 2015 to the respondent no.2/KMC.
3. The short grievance raised in this writ petition relates to non-payment/withholding of the bills of the petitioner by the respondent no.2/KMC.
4. Appearing on behalf of the respondent no.2/KMC, Mr.Chatterjee, learned Counsel, argues that the supply of medicines by the petitioner is under investigation by the Vigilance Department and, therefore, till investigation is complete, no further payments can be made.
5. Having heard the parties and considering the materials placed, this Court is of the view that the status of the petitioner as a supplier of medicines against confirmed orders is not disputed. Therefore, this Court is of the further view that the petitioner at the very least deserve an answer from the respondent no.2/KMC for the reasons connected to non-payment/withholding of their bills.

6. Accordingly, the issue is remanded to the respondent no.2/the Municipal Commissioner who, shall either himself, or through a competent officer so delegated, hear the petitioner, examine the documents/record of the KMC and, pass a reasoned order on merits which shall be communicated to the petitioner. Such exercise shall be completed not later than a period of four weeks from the date of communication of this order to the respondent no.2/KMC.

7. WP No.623 of 2017 stands thus disposed of.

8. Since affidavits are not invited, allegations made are deemed to be denied.