

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.973 of 2021

For Petitioner(s) : Mr. S. M. Chakraborty, Sr. Advocate.
Mrs. P. Chakraborty, Advocate.
For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

06/01/2023

Heard Mr. S. M. Chakraborty, learned senior counsel assisted by Mrs. P. Chakraborty, learned counsel appearing for the petitioners. None appears for the respondents.

The present petition has been filed for issuing a writ of mandamus commanding upon the respondents to release undisputed final bills to the petitioners for construction of 33KV/11KV, Sub-station at Panisagar Control Room Building under agreement dated 01.01.2018 with interest.

The petitioners have prayed for the following reliefs:

"i. Admit this petition.

ii. Issue rule NISI upon the respondents to show cause as to why a writ of mandamus or in the nature thereof shall not be issued commanding upon the respondents to pay the undisputed amount of bill amounting to Rs.21,14,185/- to the petitioners forthwith along with interest @12% p.a. from the date of completion of work on 18.08.2019. AND

iii. After hearing this petition, pass order making the rule absolute in the light of the prayers made above.

iv. Pass such other appropriate order or direction as this Hon'ble Court deem fit to give full redress to the petitioners."

The case of the petitioners is that the petitioners are partners of M/S Bhattacharjee Construction of Hospital Road Extensions, Town Bordowali, Agartala. The respondents entered into an agreement with the petitioners for execution of a work under agreement No. DGM / RE -DDUGJY / NORTH / 33KV /ERECTION/2017-18/01, dated 01.01.2018. The agreement value of the work was 1,37,86,641.00. During the course of execution of the

aforesaid work, another essential work, which was required to be executed in connection with the work named above was assigned to the petitioners for execution namely “Panisagar Control Room Building”, since the said work so assigned to the petitioners was valued at Rs.21,14,185/- it was proposed to execute the said work as a supplementary work to the original agreement.

The petitioners agreed to that condition and completed the said work to the full satisfaction of the respondents and handed it over to the respondents on 28.08.2019 to the full satisfaction of the respondents and without any complaint, but the respondents failed to pay the undisputed bill to the petitioners till date. The petitioners submitted several letters to the respondents for payment of the undisputed bill but, the respondents did not pay any heed to that letters. Being aggrieved by the role of the respondents, the petitioners served a notice dated 05.10.2021 but of no result. Hence, the petitioners have filed this petition before this Court for appropriate redress.

It is seen from the order dated 01.06.2022, that the learned counsel for the respondent Electricity Board has contended that payment of the amounts are under consideration and the same would be paid in a short period and thereafter, the matter stood adjourned. In view of above, the present writ petition stands disposed of directing the respondents to make payment with regard to the undisputed bills payable to the petitioners in terms of the legal notice dated 05.10.2021 and pass appropriate order in this regard within a period of one month from the date of receipt of the copy of this order.

CHIEF JUSTICE (ACTING)

A. Ghosh