

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 409 of 2024

Sri Arun Kumar Dey

---Petitioners(s)

Versus

The State of Tripura and Anr.

---Respondent(s)

For Petitioner(s)	:	Mr. A. Sengupta, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, GA.
Date of hearing and date of judgment and order	:	04.07.2024.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) *Admit the instant writ petition;*
- (ii) *Call for the records relevant from the custody of the respondents;*
- (iii) *Issue rule calling upon the respondent to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued directing the respondents to examine the 2nd RA Bill dated 15.02.2024 raised by the petitioner for execution of the work and thereafter examination and verification of said bill, the respondents shall communicate the petitioner about their decision regarding payment of said bill within a definite period, as may be determined by the Hon'ble High Court;*
- (iv) *After hearing the parties, be pleased to make the Rule absolute, issuing direction to the respondents and;*
- (v) *Pass such further order and/or direction as Your Lordship may deem fit and proper for the ends and in the interest of justice.*

[3] It is the case of the petitioner that the petitioner is an enlisted contractor under the respondents. The respondents awarded the work namely, 'Water Supply scheme under JJM of Sepahijala District/ SH: Construction of 1 No. 20,000 Gallon capacity RCC Underground Reservoir with pump house, Installation of pump-Motor, laying of distribution pipe line including construction of 4 Nos. SBDTW at Barnarayan under

Bejimara GP of Kathalia RD Block during the year 2021-22' vide P'NIeT No. 278/EE/DWS/BLG/2021-22; D'NIeT No. 107/EE/ DWS/BLG/2020-21 to the petitioner. During execution of the work 1st RA bill was paid by the respondents to the petitioner. The petitioner submitted his 2nd RA bill on 05.02.2024 to the respondent no.2. The respondent no. 2 neither examined the said bill nor paid the same to the petitioner till date. The petitioner served notice of demand for examination of said bill on 30.03.2024 by registered post. The respondents received the said Advocate notice of demand but made no response to the said notice of the petitioner. So, the petitioner has filed this writ petition for directing the respondent no. 2 to examine the 2nd RA bill dated 15.02.2024 submitted by the petitioner to the respondent for execution of the said work and after such examination and verification of said 2nd RA bill, the respondent no. 2 shall communicate the petitioner about their decision regarding payment of said 2nd RA bill.

[4] On perusal of the record, it is seen that the petitioner has issued one demand dated 30.03.2024 and the same has not been acted upon by the respondents till date.

[5] In view of said submission, without expressing any opinion on the merits of the case, this present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the demand notice dated 30.03.2024 in accordance with law within a period of three months from the date of receipt of copy of this order.

[6] With the above observation, the present writ petition stands disposed of. As a sequel miscellaneous applications pending, if any, shall stand closed.

JUDGE

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