

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 546 of 2024

Sri Arun Kumar Dey

---Petitioner(s)

Versus

The State of Tripura and 4 Others

---Respondent(s)

For Petitioner (s)	:	Mr. A. Sengupta, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

23.08.2024

Heard learned counsel for the parties.

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

- (i) Issue Rule, calling upon the respondents, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner;
- (ii) Issue Rule, calling upon the respondents, to show cause as to why a Writ of Mandamus and/or in the nature thereof, directing the respondents to consider the case of the petitioner in the light of his demand notice dated 06.03.2024 (Annexure 1 to the writ petition) in accordance with law within a definite period, as may be determined by the Hon'ble High Court;
- (iii) Issue Rule, calling upon the respondents, to show cause as to why a Writ of Mandamus and/or in the nature thereof, directing the respondents to pay the admitted security deposit amount and final bill to the petitioner within a definite period, as may be determined by the Hon'ble High Court;
- (iv) After hearing the parties, be pleased to make the Rules absolute in terms of Prayer i, ii and iii above;
- (v) Costs of and incidental to this proceeding;
- (vi) Any other relief(s) as to this Hon'ble High Court may deem fit and proper;

[3] It is the case of the petitioner that the respondent no. 2 awarded the work, namely, "Construction of RCC Bridge over Taikhamari Cherra at Ch.- 7.30 k.m. on Jharjhari to Muhuripur road under RIDF XII Scheme' to the petitioner. Both the petitioner and the respondent no. 2 signed the agreement. The respondent no. 2 paid RA bills to the petitioner. On 06.03.2024 the petitioner served a legal notice of demand upon the respondents for payment of his final bill and also for releasing security deposit

amount which were deducted by the respondent no. 2 from the RA bills of the petitioner. The respondents received the said legal notice of demand. The respondent no. 2 by his reply dated 20.03.2024 informed the petitioner that the final bill amount would be released to the petitioner after approval from the higher authority and the security deposit which were deducted from the running bills of the petitioner have already been lapsed and he has sent the file for revalidation of security deposit through Treasury Officer, South Tripura, Belonia on 06.09.2023 and it was informed to the petitioner that the whole amount of the petitioner would be released on their revalidation of lapsed security deposit or finalization of final bill whichever is later. Thereafter, the respondent no. 2 vide his reply dated 05.06.2024 informed the petitioner that his final bill amount would be made after receiving of RIDF fund in very short period and it was also informed that the security deposit amount would be released after revalidation of security deposit. The petitioner submits that the respondent no. 2 has been taking long period for releasing the admitted security deposit amount and final bill amount without any lawful reason.

[4] 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 representation dated 05.06.2024 in accordance with law within a period of three months from the date of receipt of copy of this order with regard to the undisputed amount. Moreover, in so far as the disputed amount is concerned, the respondents may inform the petitioner by way of speaking order why such amount cannot be released in favour of the petitioner.

[5] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak