

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WP(C) No.620 of 2024

Sri Arun Kumar Dey

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 3 Others

.....Respondents

For Petitioner(s) : Mr. A. Sengupta, Advocate.

For Respondent(s) : Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

27.09.2024

Heard Mr. A. Sengupta, learned counsel appearing for the petitioner also heard Mr. K. De, learned Addl. G.A. appearing for the respondents.

[2] This present petition has been filed under Article-226 of the Constitution of India for directing the respondents to consider the case of the petitioner in the light of the demand notice dated 19.07.2024 in accordance with law within a definite period.

[3] The petitioner has prayed for the following reliefs:

“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 19.07.2024 (Annexure 4 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 case as to why Writ of Mandamus and/or in the nature thereof, directing the respondents pay the admitted rest outstanding final bill amount 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. Cost of and incidental to this proceeding;”

[4] The facts in brief are that the respondent No. 2 awarded the work, namely, Construction of English Medium College at Old Central Jail premises,

Agartala, Tripura/Academic Building Administrative Building and Library Building/ SH: Building portion including water supply, sanitary installation and concealed conducting for internal electrification works. Agreement no. T/EE-1/AGAR/CE(R&B)/SE-II/109/2015-16 to the petitioner. The petitioner executed the work upto August, 2021. The respondent No. 2 by a Memo dated 10.08.2021 informed the petitioner that owing to obvious reason the said work was closed as per approval of the Chief Engineer.

[5] The State of Tripura has decided to a new project, namely, establishment of new IT HUB on the said site of English Medium College. The Sub-Divisional Officer under the respondent No. 2, prepared the final bill of the petitioner on 17.03.2022. The said bill was submitted by him to the respondent No. 2 on 19.03.2022, but the respondent No. 2 made part payment of said bill to the petitioner on 01.03.2024. Thereafter, the petitioner demanded rest amount of final bill from the respondents, more particularly, respondent No. 2, but respondent No. 2 made no response to the said notice of demand of the petitioner.

[6] Hence, the petitioner has filed this writ petition for directing the respondents to consider the case of the petitioner in the light of his demand notice dated 19.07.2024 in accordance with law within a definite period.

[7] In view of above and having heard the learned counsel appearing for the parties, without entering into the merits of the case, this Court is of the considered opinion that ends of justice would be met if the demand notice dated 19.07.2024 submitted by the petitioner is considered in accordance with law within period of two months from the date of receipt of the copy of this order. Accordingly, the same is ordered.

[8] In that view of the matter, the present petition stands disposed of. As a sequel, miscellaneous application pending, if any, shall stand closed.

T. AMARNATH GOUD, J