

THE HIGH COURT OF TRIPURA
AGARTALA

WP(C) 347 OF 2014

Shyamal Dey,

Son of Late Jadu Nath Dey,
Residing at A-19, Netaji Samabay Abas,
Narayantala (West), P.O. Prafulla Kanan,
P.S. Baguiati, Kolkata-700 101,
District 24 Parganas(North),
West Bengal, carrying on business under
Trade name M/s S.A. Engineering as sole
Proprietor having its office at BD-456,
1st Floor, Sector-I, Salt Lake City,
Kolkata-700 064.

....**Petitioner**

- Vs -

1. M/s National Buildings Construction Corporation Limited,

A Company incorporated under the Companies Act, 1956, having its registered office at NBCC Bhawan, Lodhi Road, New Delhi-110 003.

2. The Chief General Manager (SBG-Head),

National Buildings Construction Corporation Limited,
IBBF & JNNURM WORKS,
Jackson Gate Building, Lenin Sarani,
Agartala-799 001. Tripura State.

Previously of Dhaleswar, P.O. & P.S. Agartala,
Tripura West, Pin-799 007.

3. The Additional General Manager(Engg.),

National Buildings Construction Corporation Limited,
IBBF & JNNURM WORKS,
Jackson Gate Building, Lenin Sarani,
Agartala-799 001. Tripura State.

Previously of Dhaleswar, P.O. & P.S. Agartala,
Tripura West, Pin-799 007.

4. The Additional General Manager(W & C),

National Buildings Construction Corporation Limited,
IBBF & JNNURM WORKS,
Jackson Gate Building, Lenin Sarani,
Agartala-799 001. Tripura State.

Previously of Dhaleswar, P.O. & P.S. Agartala,
Tripura West, Pin-799 007.

5. The Deputy General Manager(Engg.),
National Buildings Construction Corporation Limited,
IBBF & JNNURM WORKS,
Jackson Gate Building, Lenin Sarani,
Agartala-799 001. Tripura State.

Previously of Dhaleswar, P.O. & P.S. Agartala,
Tripura West, Pin-799 007.

6. The Union of India through the Secretary,
Ministry of Home Affairs, North Block,
Central Secretariat, New Delhi-110 001.

....**Respondents**

BEFORE
THE HON'BLE MR. CHIEF JUSTICE DEEPAK GUPTA
THE HON'BLE MR. JUSTICE S.C. DAS

For the petitioner	: Mr. S.K.Deb, Sr. Advocate, Mr. S. Dutta, Advocate.
For the respondent Nos. 1 to 5	: Mr. A. Thakur, Advocate Mr. J. Majumder, Advocate
For the respondent No.6	: Mr. B. Majumder, CGC.
Date of hearing & delivery of Judgment & order	: 04.08.2015
Whether Fit for Reporting	: No

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

The petitioner by means of this writ petition has
prayed for the grant of the following amongst other reliefs:-

- (a) A writ in the nature of Mandamus directing the
Respondent Nos. 1 to 6 to file before this Hon'ble
Court accounts between the parties if
made/prepared by the said Respondents in
respect of Contract in question being Contract of

Package No.II in pursuance of the Respondents and culminated in Agreement dated 17th February,2006 marked as **Annexure 'PI'** herein;

(b) A writ in the nature of Mandamus directing the Respondents to make payment to the Petitioner such sums of money as may be found due after debiting actual costs and expenses, if at all, incurred by the Respondents in executing/completing the balance work under the Contract herein;

(c) A declaration that the Respondent Nos. 1 to 5 were/are duty bound to make payment of the Petitioner's outstanding dues subject to reimbursement, if any, upon Respondents' completing the works taken away from the hands of the Petitioner under Memo No.NBCC/DGM/AGT/IBBF/2013/1994 dated 26th October,2013 being **Annexure 'P6'** herein.

These are the main reliefs claimed by the petitioner.

2. By means of this petition the petitioner wants this Court in exercise of its extra ordinary jurisdiction firstly to direct the respondent National Buildings Construction Corporation Limited (NBCC) to submit its accounts and thereafter pass an order directing that the amount which is due and payable be paid to the petitioner. We are afraid, that we cannot pass such orders in a writ petition. As of date no amount has been admitted by the

NBCC to be due and payable to the petitioner. The case of the NBCC is that the amounts claimed even if payable are time barred.

3. This Court cannot go into these questions which will require adjudication after leading evidence. Therefore, the writ petition is disposed of with a liberty reserved to the petitioner to approach the appropriate forum including filing a civil suit for redressal of its grievances.

JUDGE

CHIEF JUSTICE