

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 979 of 2015**

KMC Constructions Limited, A company duly incorporated under the relevant provisions of the Companies Act, 1956 having its registered office at Survey Nos. 37 and 40, Shilpa Homes, Near NASR School, High Tech City, Hyderabad 32 Andhra Pradesh.

---- Applicant.

Versus

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mahanadi Bhawan, New Raipur, Raipur, District Raipur, Chhattisgarh.
2. Project Director-PIU ADB Project, Office of the Engineer-in-Chief, Public Works Department, Sirpur Bhawan, Civil Lines, Raipur.
3. Executive Engineer, Public Works Department, Division-3, Raipur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Sourabh Dangi, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****09/12/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents.
2. The present application has been filed for modification/clarification of the order dated 29.6.2015 in Writ Petition (C) No. 22 of 2015.
3. Learned Counsel for the Petitioner submits that this Court never intended to restrain the jurisdiction of the District Judge to consider any application for modification of the order dated 29.4.2013 passed by the latter. The observation that the obligations under the order dated 29.4.2013 being a consent order binds the parties is being misconstrued by the District Judge as an inhibition in exercise of his powers to consider any application arising from the order dated 29.4.2013.

4. Our attention was invited to the order dated 20.10.2015 passed by the District Judge in Miscellaneous Case No. 109 of 2015.

5. We are of the considered opinion that the order dated 29.6.2015 is clear and admits of no ambiguity requiring any modification/clarification. The order is conditional in nature. The application for modification/clarification is completely misconceived. If the Petitioner is aggrieved by the order dated 20.10.2015, the remedy lies in assailing it before the appropriate forum.

6. The application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE