

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1640 of 2015

1. M/s Modern Erection A Partnership Firm Duly Registered Under The Partnership Firm, 1956 Having Its Office At Tiwari House, Sadar Bazar, Durg, Through Its Partner Shri Praveen Chand Tiwari, Son Of Shri Prahlad Tiwari, Aged About 50 Years,
2. Praveen Chand Tiwari, S/o Shri Prahlad Tiwari, Aged About 50 Years R/o M I G - 6, Padmanabhpur, Durg, Tahsil & District Durg (Chhattisgarh) Civil & Revenue District Durg (Chhattisgarh)

---- Petitioners

Versus

Chhattisgarh State Power Distribution Corporation Ltd. An Enterprise Of Govt. Of Chhattisgarh And Successor Company Of The Chhattisgarh State Electricity Board, Through Its Executive Engineer, (Operation/ Maintenance), C S P D C L, Janjgir, District Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri B.P. Sharma, Advocate.
For Respondent	:	Shri Vinay Pandey, Advocate.

Order On Board

14/09/2015

Heard.

1. The limited grievance raised by the petitioners before this Court is that though according to the petitioners, they successfully completed work awarded to them under the contract with the respondent company, till date, the payments have been withheld arbitrarily without there being any dispute raised by the respondent. The claims raised by the petitioners are not being paid any heed to. Neither payment is being made nor any reason is being communicated to show that petitioners' claim has been rejected, wholly or in part nor indicating any other reason whatsoever. It is submitted that as the respondent is a State under Article 12 of the Constitution of India, it cannot withhold the amount arbitrarily and for no reason.

2. Considering the aforesaid submission and the circumstances of the case, all that can be done at this stage is to direct the respondent to consider petitioners' claim and take

appropriate decision thereon within a period of 45 days from the date of submission of representation along with the copy of this order. The respondent shall either make payment as claimed or if any reason it is not possible to make payment to the petitioners, reason in that regard shall be communicated in writing so that, the petitioners can take recourse to appropriate remedy of raising dispute before appropriate Forum either under the terms of agreement or otherwise in accordance with law.

3. With the aforesaid observations, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

J U D G E