

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2524 of 2016**

- M/s Ashok Kumar Singh, a registered partnership firm, having its registered office at Mahila Mandal Complex, Ambikapur, District Surguja (CG), through its Partner namely Ashok Singh, S/o Shri C.D. Singh, aged about 47 years, R/o Thanganpara, Ambikapur, Police station and Post Ambikapur, Civil and Revenue District Surguja (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, through Principal Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (CG)
2. Engineer-in-Chief, Public Works Department, Raipur, Sirpur Bhawan, Behind Akashwani, Raipur, District Raipur (CG)
3. Chief Engineer, Public Works Department, Bridge Zone, Raipur, District Raipur (CG)
4. Superintending Engineer, Public Works Department, Bridge Construction Circle, Raigarh, District Raigarh (CG)
5. Executive Engineer, Public Works Department, Bridge Construction Division, Raigarh, District Raigarh (CG)

---- Respondent

For Petitioner	: Shri Manoj Paranjpe, Advocate.
For Respondents	: Shri Vinod Deshmukh, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/11/2016**

1. By the impugned order, the Engineer-in-Chief has suspended the petitioner's registration as 'A' Class contractor in the Department of Public Works, Government of Chhattisgarh.
2. On the last date of hearing, an objection was raised by the State

Counsel that the impugned order is appealable before the appellate authority under the Centralised Procedures of the Government of Chhattisgarh for Suspension, Demotion, Non-Renewal & De-Registration of Contractors/Firms, 2014, however, when it was pointed out that the Board of Appellate Authority who shall hear the appeal consists of Engineer-in-Chief as one of the members and since the said Engineer-in-Chief has himself passed the impugned order, this Court proceeded to hear the petition on merits. Learned State Counsel was also directed to seek instructions as to when the four contracts referred to in the impugned order have already been extended, then why the impugned order (Annexure-P/1) may not be kept in abeyance and the petitioner be allowed time to complete construction within the extended time.

3. Learned State Counsel would submit, on instructions, that if the petitioner is ready and willing to complete the entire construction within the extended time period in accordance with the terms of extension including Clause-1.13, the State Government would not press for the implementation of the order (Annexure-P/1) till the said time period is over. However, soon after the extended contract period is over in respect of 4 contracts, the State Government shall re-visit the issue.
4. In view of the submission made by the State Counsel, the Writ Petition is disposed of with an observation that the petitioner shall complete construction of 4 contracts mentioned in the impugned order within the extended time period. After the extended time period in all the contracts is over, the Engineer-in-Chief may re-consider the issue. Till the said period i.e. completion of term of extended period, the respondents shall not give effect to the impugned order (Annexure-P/1).

Sd/-
Judge
 (Prashant Kumar Mishra)