

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2095 of 2015**

Shobhlal Gole S/o Late M. L. Gole, Aged About 66 Years R/o 27 Kholi, Vikas Nagar, Ward No. 1 Bilaspur, P. S. Civil Lines Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. Collector, Bilaspur Collectorate Campus, Near Nehru Chowk Bilaspur, District Bilaspur (Chhattisgarh)
2. Additional Collector, Bilaspur Collectorate Campus, Near Nehru Chowk Bilaspur, District Bilaspur (Chhattisgarh)
3. Commissioner Bilaspur, Having Office Near Circuit House, Mungeli Naka Chowk Bilaspur District Bilaspur (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Alok Bakshi, Advocate
For Respondents/State	:	Shri B. Gopa Kumar, Dy.AG.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17/02/2016**

A short issue arising for consideration in this petition that the petitioner has executed certain work in the government building, in respect of which, the petitioner has raised claim for payments. As the payments were not released, this petition has been filed.

2. Learned counsel for petitioner submits that the total amount outstanding for payment is Rs.1,40,000/-, which the respondents have not paid. He submits that any amount due and payable by the petitioner to the respondent in connection with another agreement cannot be taken into consideration nor can be adjusted much less made a basis to withhold payment under the agreement of cleaning. Therefore, the action of the respondents is arbitrary and violative of Article 14 of Constitution of India.

3. Learned State counsel submits that the petitioner in this petition did not disclose that he had entered into another contract and in respect of which, recovery has to be made from the petitioner under other contract of cycle stand. The petitioner himself gave a letter on 28-05-2014 to make payment after adjusting the amount recoverable from him under the other agreement of cycle stand.

Learned State counsel, however, submits that if the amount is adjusted, then also, some amount would be payable to the petitioner as balance amount.

4. It appears that the petitioner himself gave a letter to the respondent on 28-05-2014 stating for adjusting the amount recoverable from him under the agreement relating to cycle stand, balance amount may be released to him.

5. In view of above, leaving parties to settle their disputes, all that can be ordered in this petition is to direct the respondents to pay the undisputed amount, payable to the petitioner, after adjusting the amount recoverable from him under the contract relating to cycle stand.

6. Accordingly, the petition is partly allowed with a direction to respondents to pay the undisputed amount payable to the petitioner under the contract of cleaning by adjusting the amount payable by the petitioner to the respondents under the agreement of cycle stand.

Sd/-
Manindra Mohan Shrivastava
Judge