

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2870 of 2016**

Dinesh Sharma, Aged about 47 years Late Ram Avatar Sharma, (H & T Contractor), Village & Post- Baradwar, District Janjgir-Champa, Chhattisgarh

---- Petitioner**versus**

1. General Manger (Region), Food Corporation of India, Regional Office, Vidhan Sabha Road, Mowa, Raipur, District Raipur, Chhattisgarh
2. Area Manager, Food Corporation of India, District Office, Maharana Pratap Chowk, Bilaspur, District Bilaspur, Chhattisgarh
3. Yantra Kumar Jain, Main Road Naila, District Janjgir-Champa Chhattisgarh

---- Respondents

For Petitioner	:	Shri Pawan Shrivastava, Advocate
For Respondents 1 & 2	:	Shri Sunil Pillai, Advocate

Coram: **Hon'ble The Chief Justice**
 Hon'ble Shri Sanjay Agrawal, J.

Order on Board**19/12/2016**

1. The Petitioner was initially awarded rake handling, handling and transporting work at FCI Naila to rake handling Baradwar. This contract was awarded to him on 19.5.2016. Thereafter the FCI asked the Petitioner to do the work of godown handling at 144% over SOR.

The Petitioner initially refused to do so but he was threatened that if he did not handle the work of godown handling, he would be blacklisted. He was therefore virtually compelled to do the work. Thereafter the FCI invited fresh tender on 26.6.2016 and in that the rate received for godown handling was even above 144% above SOR. Thereafter the FCI issued another tender for godown handling on 16.9.2016 and as per the stand of the FCI in that they have received tender wherein the rate quoted is 19% over SOR by Respondent No.3.

2. Since the petitioner does not want work at 19% above SOR nothing survives in this writ petition and the Respondents may take further action according to law. However, it is made clear that the Petitioner shall be permitted to continue doing the work which has been awarded to him except godown handling.
3. The writ petition stands disposed of.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
Judge