

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1672 of 2017**

1. V. B. Properties & Infrastructure India Ltd. A Company Duly Registered Under The Relevant Provisions Of The Companies Act Having Its Office At Opposite M L A Rest House, Tagore Nagar, Raipur, Through Its Director Shri Basant Bagde, S/o Shri V. B. Bagde, Aged About 45 Years, R/o Opposite M L A Rest House, Tagore Nagar, Raipur (Chhattisgarh)
2. Basant Bagde, S/o Shri Nathhu G. Bagde, Aged About 57 Years, Director Of V. B. Properties And Infrastructure India Ltd., R/o C-177, Tagore Nagar, Raipur, Civil & Revenue District Raipur (Chhattisgarh)

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Deapartment Of Public Works Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Engineer In Chief, Public Works Department, Raipur (Chhattisgarh)
3. The Chief Engineer, Public Works Department, Raipur (Chhattisgarh)
4. The Executive Engineer, Public Works Department, Bridge Division Raipur (Chhattisgarh)
5. The Sub Divisional Officer, Public Works Department, Bridge Division Raipur (Chhattisgarh)

--- Respondents

For Petitioners	:	Mr. B.P. Sharma, Advocate
For State	:	Mr. P.N. Bharat, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****29.06.2017**

1. The Petitioners seek to quash Annexure P/4 show cause notice issued in the course of execution of a civil contract. We have heard the learned

Counsel for the Petitioners and the learned Additional Advocate General.

2. Annexure P/4 is dated 01.06.2017. A letter dated 28.06.2017 issued after Annexure P/4 is produced along with covering memo dated 29.06.2017. That document is dated 28.06.2017 and relates to extension of time. Obviously, this means that the impugned show cause notice does not survive for any further consideration, as rightly pointed out by the learned Additional Advocate General.
3. We record submission of the learned Counsel for the Petitioners that under the guise of giving effect to the Contract his client should not be compelled to do extra items which may not be covered by the contract. According to the learned Counsel for the Petitioners the present attempt is to get certain additional items if works done in excess of the contract obligations. Maintaining the distinction between the additional items and the extra quantities as known in the realm of laws governing works contract, we direct that if the Petitioner make appropriate representation to the competent authority voicing its grievance and apprehension in this regard, that will be duly addressed and it will not be compelled to carry out any work in excess of its contractual obligations, unless it accede to do so.
4. The Writ Petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge