

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 785 of 2017

M/s Vikas Agrawal a Class “B” Contractor, Through Its Partner Vikas Agrawal, S/o Late Omprakash Agrawal, Aged About 34 Years, R/o Near Advocate Rahman House, Danipara Raigarh, District Raigarh (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Works, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. The Engineer In Chief, Public Works Department Sirpur Bhawan, Raipur, District Raipur (Chhattisgarh).
3. Chief Engineer, Public Works Department Bilaspur Division, Bilaspur, District Bilaspur (Chhattisgarh).
4. Superintending Engineer, Public Works Department Bilaspur Circle Bilaspur District Bilaspur (Chhattisgarh).
5. Executive Engineer, Public Works Department, Raigarh Division, Raigarh, District Raigarh (Chhattisgarh).

---- Respondents

Shri Mateen Siddiqui, counsel for the petitioner/s.
Shri Ramakant Mishra, Dy.A.G. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/03/2017

The petitioner has filed this petition assailing correctness and validity of order dated 27/02/2017 by which, recoveries have been ordered against the petitioner after rescission of contract dated 09/12/2016.

2. Learned counsel for the petitioner, assailing correctness and validity of decision submits that the work assigned to the petitioner is completed, he has not violated any terms of contract, he has performed his part of work under contract and there is failure on the part of the respondents resulting in the present situation.

3. On petitioner's own showing, the petitioner has raised a dispute before the Superintending Engineer and thereafter, he filed appeal before the Chief Engineer. It is submitted that when the impugned notice, ordering recovery was issued, PWD has issued fresh advertisement for inviting tender and the petitioner filed this petition.

4. The petitioner has already invoked an in-house remedy which may ultimately lead to filing of appeal before the Arbitration Tribunal. This petition involves seriously disputed question of facts which cannot be gone into in this petition.

5. Reserving liberty to raise all the grounds before the appellate authority, this petition is dismissed. It is expected that the Chief Engineer shall decide the appeal as early as possible within the period stipulated in the agreement.

Sd/-
(Manindra Mohan Shrivastava)
Judge