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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 589 of 2016**

- M/s R. K. Lala Electrical Engineer And A- Class Contractors, Through R.K. Lala, S/o. Late Shri D.A. Lala, Aged About 50 Years, Registered Office 31, 1st Floor, Vijeta Complex, Shashtri Bazar, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Government Of Chhattisgarh Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. The Engineer In Chief Public Works Department, Sirpur Bhawan, Civil Lines Raipur, District Raipur Chhattisgarh
3. The Chief Engineer, Public Works Department, Bilaspur Zone, Bilaspur District Bilaspur Chhattisgarh
4. The Superintending Engineer, Public Works Department, Bilaspur Zone, Bilaspur, District Bilaspur Chhattisgarh
5. The Executive Engineer, E/ M Division, Public Works Department, Bilaspur Zone, Bilaspur, District Bilaspur Chhattisgarh
6. The General Manager Engineering Projects (India Limited) Western Regional Office, 6- A Bakhtavar Nariman Point, Mumbai - 400021 Site Office D U P- 23, Babji Park, Ring Road No. 2, Bilaspur, District Bilaspur Chhattisgarh
7. M/s. Brijesh Agrawal, Engineer And Contractor, Sharda Sadan, 14/ 282, Vinoba Nagar, Behind Gayatri Mandir, Bilaspur, District Bilaspur Chhattisgarh

---- Respondent**WPC No. 1199 of 2017**

- M/s Satya Traders Registered Office Near Punjabi Dharamshala, Gondpara, Bilaspur Chhattisgarh, Through Its Proprietor, Vivek Ghai, S/o Late Shri S. C. Ghai, Aged About 40 Years, Satya Traders, Near Punjabi Dharmashala, Gondpara, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department,

Government Of Chhattisgarh Mahanadi Bhawan, Mantralaya New Raipur,
District Raipur Chhattisgarh.

2. The Engineer-In- Chief, Public Works Department, Sirpur Bhawan, Civil Lines Raipur Chhattisgarh.
3. The Chief Engineer, Public Works Department, Bilaspur Zone, Bilaspur Chhattisgarh.
4. The Superintending Engineer, Public Works Department, Bilaspur Zone, Bilaspur Chhattisgarh.
5. The Executive Engineer, E/ M Division, Public Works Department, Bilaspur Zone, Bilaspur Chhattisgarh.
6. The General Manager, Engineering Projects (India Limited) Western Regional Office, 6- A Bakhtavar Nariman Point, Mumbai 400021 Site Office D U P-23, Babji Park, Ring Road No. 2, Bilaspur Chhattisgarh.
7. M/s. Brijesh Agarawal, Engineer And Contractor, Sharda Sadan, 14/282, Vinoba Nagar, Behind Gayatri Mandir, Bilaspur Chhattisgarh.

---- Respondent

For Petitioners : Shri Kishore Bhaduri with Shri Anmol Sharma, Advocates.
For Respondent/State : Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/09/2018 :

1. The petitioner executed the work of electrification of the High Court building under the assignment from M/s Brijesh Agrawal, sub contractor, who in turn was executing the contract for and on behalf of M/s Engineering Projects India Limited (for short 'EPI'), who was the main contractor appointed by the Public Works Department of the Government of Chhattisgarh.
2. Admittedly, the document (Annexure-P/1) by which the work as entrusted to the petitioner is not signed by any of the functionary of the State Government in the department of Public Works. Even EPI, a Government concern, was not discharging any statutory function but was executing

contract awarded to it by the Department of Public Works, Government of Chhattisgarh. In relation to the subject work, relationship between EPI, M/s Brijesh Agrawal and the petitioner was that of owner and client. If the petitioner has not been paid the amount arising out of MoU (Annexure-P/1), appropriate remedy for him lies in preferring the suit for recovery of the amount.

3. There being no privity of contract between the petitioner and the respondent-State through Department of Public Works, the writ petition against respondents No.6 & 7 being entity executing the contract for Public Works Department is not maintainable, as it only prays for recovery of amount from respondents No.6 & 7 with whom the petitioner had contractual relations.
4. For the same reasons, as mentioned above, WPC No.1199/2017 is also held to be not maintainable.
5. Consequently, both the Writ Petitions are dismissed as not maintainable.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve