

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1598 of 2018**

- M/s Patil Construction And Infrastructure Ltd. Having Its Office At 3rd Floor, Pmpml Commercial Building No. 1, Pune (Through Its Authorized Signatory, Shaliwan Chandrakant Surwase), District : Pune, Maharashtra

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Public Works, Mantralaya, Mahanadi Bhawan, New Raipur, District : Raipur, Chhattisgarh
2. Union of India, through The Secretary, Ministry Of Road Transport And Highways, Transport Bhawan No. 1, Parliament Street, New Delhi.
3. Chief Engineer (LWE) MORT and H, Transport Bhawan No. 1, Parliament Street, New Delhi.
4. The Chief Engineer, Public Works Department, Bastar Zone, Jagdalpur Chhattisgarh.
5. The Superintending Engineer, Pwd, Kanker Circle, Kanker Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Sunil Otvani and Shri Harsh Wardhan, Advocates
For Respondent/State	:	Shri U.N.S. Deo, Government Advocate
For Respondents No.2 & 3 :	:	Shri R. K. Kesharwani, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****20.06.2018**

1. We have heard the learned counsel for the Petitioner, the learned Government Advocate and the learned counsel for Respondents No.2 & 3.
2. The limited issue that arises for decision at this point of time is as to whether the procedure provided by Clause 24 and 25 of the General Conditions of the terms of the contract between the Petitioner and the 1st Respondent is to be further delayed.

3. Reading Clauses 24.1 & 25 relating to the method of constitution of Dispute Review Expert and the procedure to be carried by that authority, it is indisputable that once the dispute is notified by the Contractor it has to go through the process provided in Clauses 24 & 25 and end by the rendition of a decision as enjoined in Clause 25. The fixation of time limit in that Clause is a clear indicator that the constitution of the Dispute Review Expert and consideration of the dispute by that Review Expert cannot be dragged on. {See for support the decision of this Court in W.P.(C) No. 2202 of 2012 (*M/s. Laxmi Construction Company v. State of Chhattisgarh & Others*) passed on 10.01.2013}. We concur with that precedent and follow it.
4. Hence, without expressing anything further on merits, this writ petition is ordered directing that the dispute raised by the Petitioner, if received and pending, shall be considered and decided upon by the competent authority, in accordance with the requirement of the contract between the parties in that regard. The respondents, who are bestowed with the duty to get such dispute decided, shall ensure that such decision is taken within the earliest possible time frame in consonance with the terms of the contract. Pending such consideration of the dispute for resolution, no coercive action, including encashing any bank guarantee, or other steps, shall be taken against the Petitioner.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge