

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1836 of 2018**

- M/s Shivhare Construction Through Proprietor Vikash Shivhare, S/o Shri Baburam Shivhare, Aged About 38 Years , R/o Baikunthpur, Katchahari Chowk , District Korla Chhattisgarh.,

---- Petitioner**Versus**

- Managing Director Chhattisgarh Police , Housing Corporation Limited, Head Quarter Neel Basant Plot No. 20 Ravinagar, Raipur Chhattisgarh

---- Respondent

For Petitioner
For Respondent

Mr. Rajesh Ranjan Sinha, Advocate
Mr. Sudeep Johri, Advocate

Order on Board**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice****Hon'ble Shri Justice Prashant Kumar Mishra****Per, Ajay Kumar Tripathi, Chief Justice****6/8/2018**

1. Heard.
2. Annexure P-2 is a final notice dated 24.3.2018 issued to the petitioner since he has repeatedly failed to execute the contract of construction of 16 flats for non-gazetted (Constables and Head Constables) and 16 flats for ASIs. These constructions for residential accommodation were required to be done at

Baikunthpur, Zila Koria under the budgetary allocation for the year 2013-14. The contract was required to be completed within 18 months of the award.

3. We are in the year 2018, but the contract is far from over and significant amount of work is still left. This is evident from the affidavits as well as photographic evidence, which have been annexed by the petitioner as well as the respondent.
4. Perusal of Annexure P/2 dated 24.3.2018 shows the number of reminders and indulgence, which have been given to the petitioner. It is evident that 18 months contract has got extended over four years. Whatever be the justification being given by the Contractor but the bonafide for non-completion of the contract is not emerging from perusal of the pleadings.
5. The respondent, therefore, had no option except to pass the impugned order because the supportive staff of the Police Department cannot be allowed to live in the open and the very object of award of contract for providing shelter in an area where there are said to be no Government accommodations available for such persons, has been defeated by the slow work, if not non-work by the petitioner.
6. In the earlier round of arguments, a very emphatic submission was made by the Counsel appearing on behalf of the petitioner that more than 80% of the work has been done and he only needs three months to complete the work and if this Court grants him the concession, he will carry out the left over work.

7. Since such submission was made orally at the bar, the Court directed the petitioner to file an emphatic affidavit with regard to his undertaking.
8. Contrary to the statement made at the bar, now the affidavit says that he will require minimum six months time for completion and too many ifs and buts are incorporated in the affidavit, which does not impress this Court or instill confidence.
9. In the above circumstances, the writ petition is dismissed. We refuse to interfere with the impugned order. The law will take its own course. The petitioner has remedy within the contract.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge