

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2557 of 2018**

- M/s A.K. Industries A Proprietorship Firm, Sahdev Pali Road, Raigarh, Through Its Proprietor Akhilesh Jagatramka, S/o Ganesh Jagatramka, Aged About 45 Years, R/o Shyam Talkies Road, Nai Sarak, Raigarh, tehsil And District- Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. Municipal Corporation Raigarh, Inside Townhall, Near Hospital, New Road, Raigarh, Chhattisgarh.
2. The Commissioner Municipal Corporation Raigarh, Inside Town Hall, Near Hospital, New Road, Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Kishore Bhaduri, Advocate
For Respondents	:	Shri Anumeh Shrivastava, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per, Ajay Kumar Tripathi, Chief Justice****31.10.2018**

1. Petitioner has been compelled to file the writ application because despite successful supply of 2.6 Cubic Metre Containers to be used as Garbage Bins, payments have not been made for no apparent reason or justification.
2. The Court directed the Respondents – Municipal Corporation of Raigarh to file their return and explain the reason for non-payments.
3. From the affidavit of the Respondents – Corporation no cogent and valid reason is emerging as to why the settlements of the bill of the Petitioner would not be required to be made against the supplies.
4. The Respondents have stated in their return that in relation to similar supplies made under another contract discrepancy had emerged or were noticed on physical verification which led to filing of FIRs against many authorities of the

Corporation. That is the reason why things were put on hold, as “Abundant Caution”.

5. Nothing has been said with regard to the supplies made by the Petitioner whether there were or are any infirmities or whether the terms and conditions of the agreements have not been fulfilled, therefore, the reasons given for inaction or for not processing the claim of the Petitioner for payment cannot be said to be rational.
6. The writ application is allowed. A direction is issued upon the Commissioner, Raigarh Municipal Corporation that he will get the verification made of the bills so submitted, against the supplies, and if they are not disputed, he has a duty to ensure payments because from the pleadings and the stand of the Respondents nothing adverse has been raised against the Petitioner's claim. The settlement ought to be made within a period of three months from the date of production of a copy of this order.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge