

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2610 of 2018

- Kamal Basaiwal S/o Shri Bajranglal Agrawal Aged About 39 Years R/o Main Road, Naila, Ward No. 5, Naila- Janjgir Distict- Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Chhattisgarh Police Housing Corporation Ltd. Through Its Managing Director, Old PHQ, Civil Line, Raipur, Chhattisgarh.
- Managing Director Chhattisgarh Police Housing Corporation Ltd. Old PHQ, Civil Line, Raipur, Chhattisgarh.
- Chef Project Engineer Chhattisgarh Police Housing Corporation Ltd., Old PHQ, Civil Line, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For Respondents/Corporation	:	Shri J.K. Gilda, Advocate General along with Shri Prasun Bhaduri, Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

04.10.2018

1. Heard learned counsel for the Petitioner and learned Advocate General for the Chhattisgarh Police Housing Corporation Ltd.
2. In this writ application, the decision dated 28.06.2018 (Annexure-P/1) is under challenge by virtue of which the contract awarded for construction of residential houses for 06 Non Gazetted and 14 ASI's has been annulled.
3. The tender was awarded sometime in the month of April, 2017 and the agreement was entered in June, 2017. The work was required to be completed within a period of 12 months. In absence of satisfactory execution and progress made, despite repeated reminders, the authorities decided to cancel the contract and fix 02.07.2018 for measurement on "as is, where is" basis.

4. We do not find any irrationality in the decision of the Respondents because if the notices to show cause which are part of the record, is gone through and reminders issued thereafter are also perused, there are reasons for which the Respondents alone cannot be blamed for drawing the curtains on the contract. There seems to be reason available why the Respondents passed the order annulling the contract (Annexure – P/1).
5. The writ application is dismissed. However, the Petitioner has liberty to seek remedy by approaching forums in this regard.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge