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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2787 of 2018**

1. M/s Vijay Shukla Through Vijay Shukla (Proprietor) S/o Late Shri Bihari Lal Shukla, Aged About 36 Years R/o Village Makri, Post- Kunda, Tahsil- Pandariya, Distict- Kabirdham, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Mantralaya, Raipur, Chhattisgarh.
2. The Engineer- In-Chief Public Works Department Raipur, Chhattisgarh
3. The Chief Engineer Tribal Development Department, Bilaspur Division, District- Bilaspur, Chhattisgarh.
4. The Superintending Engineer Tribal Development Department, Bilaspur, Division, District- Bilaspur, Chhattisgarh.
5. Executive Engineer Office Of Commissioner, Tribal Development Department, Raipur, District- Raipur, Chhattisgarh.
6. Commissioner Tribal Development Department, Raipur District- Raipur, Chhattisgarh.
7. Assistant Commissioner Tribal Development Department, Kabirdham, District- Kabirdham, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri Apoorva Tripathi, Advocate
Shri Y.S. Thakur, Addl. Adv. General

Order On Board**By****Prashant Kumar Mishra, J.****12/11/2018**

1. Petitioner was awarded contract for construction of Pre-Metric Tribal Boys Hostel Building at Pondi, Block Bodla in the year 2010.

2. According to the petitioner, the work was completed satisfactorily for which inspection note was issued by the concerned Executive Engineer vide Annexure – P/6 and completion certificate was also issued vide Annexure – P/7, however, the final payment to the tune of Rs.6,38,551/- is remain pending despite submission of all the bills and documents along with measurement before the Executive Engineer.
3. Learned counsel would refer to the judgment dated 19-2-2015 rendered by the Division Bench of this Court in WA No.38 of 2015 (**Om Sai Traders & Tent House v State of Chhattisgarh and Others**) to submit that when the dues are admitted, writ petition would be maintainable.
4. In **Om Sai Traders** (supra), the Division Bench has referred to the decision rendered in **ABL International Ltd. v Export Credit Guarantee Corpn. Of India Ltd.** {(2004) 3 SCC 553}.
5. In the obtaining facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the concerned Executive Engineer to consider petitioner's case for release of the final payment, if there is no legal or contractual impediment in directing such release. Let it be done within a period of six weeks from today. In the event there is any impediment in releasing the amount, the Executive Engineer shall inform the petitioner by a reasoned order.
6. With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Gowri