

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3044 of 2017

- Shree Mahamaya Constructions 231, 2nd Floor, Rishabha Complex, M. G. Road, Raipur Chhattisgarh.....Through Its Sole Proprietor Sh. Sandeep Rungta, S/o Late Sh. G. R. Rungta, Aged About 46 Years, R/o Navkar Apartments, 3rd Block, 2nd Floor, Choubey Colony, Raipur (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (CG)
2. Engineer - In - Chief, Public Health Engineering Department, Chhattisgarh Raipur, District Raipur (CG)
3. Chief Engineer, Public Health Engineering Department, Jagdalpur Zone, District Jagdalpur (CG)
4. Superintending Engineer, Public Health Engineering Department, Jagdalpur Division, District Jagdalpur (CG)
5. Executive Engineer, Public Health Engineering, Jagdalpur Division, Jagdalpur (CG)

---- Respondents

For Petitioner	:	Shri Abhisek V Deshmukh, Advocate
For Respondents	:	Shri Gagan Tiwari, Dy. Govt. Advocate.

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order on Board

Per Ajay Kumar Tripathi, CJ

20/03/2019

1. Shri T.D. Sandihya, Chief Engineer, Shri R. Gupta, Superintending Engineer and Shri S.K. Pandey, Executive Engineer, Public Health Engineering Department, Jagdalpur are present in person.
2. After the order dated 12.3.2019 was passed on a clear undertaking given by the petitioner that the work of only about Rs.9 Lakh & odd is left in completion of the contract, an application for recall or modification of this order has been filed on behalf of the State indicating that true facts were

not brought before the notice of the Court. Infact, the work of more than Rs.2 Crore is still left i.e. almost 21% of the assigned work.

3. The petitioner has out of context quoted a document to show that work of only Rs.9 lakh and odd was left. In fact, this was in relation to an effort made by the department to complete unfinished work of the total work, in parts thereof.
4. The Court deprecates such kind of conduct of the petitioner and with the materials available on record, now the stand of the State seems to be justified. The order dated 12.3.2019 has been obtained by misleading the Court, therefore, the same is recalled.
5. In view of the conduct of the petitioner as also major unfinished work, the order of cancellation of contract also is not required to be interfered with. Let the petitioner seek remedy in accordance with law outside the writ jurisdiction.
6. Personal appearance of the officers is dispensed with.
7. The writ application is accordingly dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-