

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1301 of 2018**

- M/s Maneesh Pipes Private Limited A Company Duly Incorporated Under The Relevant Provisions Of The Companies Act Through Its Director Mr. Jagdish Jhavar Having Its Office At Merlin Jai Shri Vihar, Pandri Tarai, Raipur Tahsil And District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Health Engineering Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The Chief Engineer, Public Health Engineering Department, Neer Bhawan, Civil Lines, District Raipur Chhattisgarh
3. The Superintending Engineer Public Health Engineering Department Durg Circle, District Durg Chhattisgarh
4. The Executive Engineer, Public Health Engineering Department, Project Division Bemetara, District Bemetara Chhattisgarh

---- Respondents

For Petitioner : Shri Vivek Chopda, Advocate
For Respondents/State : Shri Ashish Surana, PL

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/04/2019

1. Heard.
2. The present petition is been filed for the reason that the petitioner had completed certain work of contract allotted by the respondent and even after the completion of the work, the payment is not been released.

3. Learned counsel for the petitioner would refer to the completion certificate Annexure P-7 dated 26.09.2017 and would submit that subsequent thereto as and when the correspondence was made with the State authorities about the release of the payment it was assured that the bills have been sent to the higher officials and the moment the amount is received, it would be paid. He referred to the letters Annexures P-11, P-12 & P-17.
4. Perused the documents. Perusal of the document annexed with the petition shows that the petitioner was issued certificate of completion way back on 26.09.2017 as per Annexure P-7. Thereafter, several correspondence have been made. The letters of the State addressed to the petitioner dated 07.11.2017 (Annexure P-11), 02.11.2017 (Annexure P-14), 16.11.2017 and 30.11.2017, in all these letters the Executive Engineer, Public Health Engineering Department, Project Division Bemetara, District Bemetara (C.G.) has informed that the payment would be released as per the sanction, the moment they get the allotment of fund. The correspondence inter se between the parties shows that there is no disputed question of fact exist as completion certificate is already on record, which is coupled and supported with the subsequent letter and correspondence, whereby the department has stated that they would be releasing the payment when the funds are received. The instant petition is for the release of the fund. Taking into the fact that the completion certificate has already been issued by the department and the work has already been done, which is not in dispute and the State authorities have also admitted the fact that the release of the funds would be made, meaning thereby with

respect to the completion of work prima facie there is no dispute. Considering the same it is directed that the respondent authorities shall be obliged to release the fund of the petitioner as per their own letter and shall arrange for it. The entire efforts shall be carried out within a period of 60 days. The petitioner further shall be at liberty to take appropriate steps as available to him under the law, if any disputed amount exist/not paid.

5. With such observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu