

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1737 of 2018**

Subhash Jha S/o Late Ramlakhan Kesri, Aged About 32 Years Purani Sharab Bhatti Road, Danteswari Ward, Azad Chowk, Jagdalpur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh.
2. Engineer In Chief, Chhattisgarh Rural Road Development Authority Civil Line, Raipur, District Raipur Chhattisgarh.
3. Chief Executive Officer, Chhattisgarh Rural Road Development Authority Civil Line, Raipur, District Raipur Chhattisgarh.
4. Collector, District Kondagaon Chhattisgarh.
5. Superintending Engineer, Chhattisgarh Rural Road Development Authority, Project Division -02, Jagdalpur, District Bastar Chhattisgarh.
6. Executive Engineer Cum Member Secretary, District Project Execution Unit, C.G. Rural Road Development Authority, District Kondagaon Chhattisgarh.

---- Respondents

For Petitioner	: Shri Rakesh Kumar Jha, Advocate.
For Respondent/State	: Shri Faiz Kazi, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board**20/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. There seems to be abject failure on the part of the Petitioner to complete the contract even within the extended period. The contract was awarded in the year 2014. Work was required to be completed within 24 months by 18.02.2016. By the

period of completion, not even 18% of the work had been done. There is also allegations made against him that whatever little work which has been done also is not up to the mark and does not meet the standard.

3. The Respondent-State have further justified the decision because despite repeated notices and opportunity, the Petitioner has failed to complete the work of construction of the road which has vital significance not only for the people of the area, but also for the State.

4. Story was sought to be made out as if, disturbance has been caused by the Naxallites in the execution of the work of the contract so awarded to him. However on verification, it is found that he has tried to link two different instances as if, it related to him in relation to the contract.

5. We are satisfied that there was no element of arbitrariness involved in cancellation of the contract vide order dated 19.07.2017. The Court will not come in the way of the right of the Contractor to seek remedy within the ambit of the contract but since the work is nowhere near completion, keeping in mind the social cost which the State is paying due to non-completion of contract, we shall not interfere with the order.

6. The writ application is dismissed. The Petitioner has adequate remedy within the contract, if he can establish in an arbitration proceeding that the decision for termination is otherwise bad within the agreement.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE