

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2032 of 2019**

- M/s Laxmi Civil Engineering Services Private Limited A Company Duly Incorporated Under The Relevant Provisions Of The Companies Act Through Its Authorized Signatory And Project Manager Mr. Rajesh Borkar, Having Its Office At 1148, 'E' Sykes Extension, Kolhapur, Maharashtra.- 416001.

---- 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, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
3. The Superintending Engineer Public Health Engineering Department, Raipur, Circle, District- Raipur, Chhattisgarh.
4. The Executive Engineer Public Health Engineering Department, Project Division Birgaon, District- Raipur, Chhattisgarh.
5. The Principal Secretary, Public Health Engineering Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
6. The Engineer In Chief Public Health Engineering Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Vivek Chopda, Advocare
For Respondent	:-	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

21/06/2019

1. Learned counsel for the petitioner would submit that the petitioner was awarded percentage rate contract by the Department of Public Health Engineering, Government of Chhattisgarh on 28.06.2008 for the work of Design Supply, Erection, Commissioning, Testing and trial run for 03 months under the Birgaon Augmentation Piped Water Supply Scheme for a probable amount of Rs. 93.41 Lacs. The petitioner has completed the entire work and has submitted final bills which has been found to be payable as would be apparent from the document Annexure -P-10 dated 28.06.2017 emanating from the office of Executive Engineer, Public Health Engineering Department, Raipur, mentioning that the payment of the amount of Rs. 21,23,887/- is not made to the petitioner because allotment of funds has not been allotted.
2. The Division Bench of this Court in the matter of **Learn Nature Consultants Vs. State of Chhattisgarh & Ors.** 2016 SCC Online C.G. page 23 has observed that “ The claim of the Petitioner for arrears of bills submitted by him,

cannot be acceded to in the writ jurisdiction except for what may be called admitted dues as no writ petition would lie for money claim". It is further observed that nothing prevents the respondents from scrutinizing the records and in the event that they find anything further payable as admissible dues, they would act fairly by making that payment without awaiting the outcome of the arbitration.

3. In view of the above, the present Writ Petition appears to be maintainable only for the limited extent of issuance of a direction to the respondents for releasing payment of the admitted claim arising out of the subject contract.
4. Accordingly, the Writ Petition is disposed of with direction that in the event petitioner prefers fresh representation before the competent authority within a period of 04 weeks' from today raising his claim arising out of the subject contract, the competent authority shall examine the matter and if the dues arising out of the subject contract is found to be admissible being undisputed, the same shall be paid to the petitioner.
5. Let the representation be decided within a period of 03 months the date of submission.

Sd/-

(Prashant Kumar Mishra)
Judge