

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2006 of 2019

- M/s Maneesh Pipes Private Limited, a Company Duly Incorporated Under The Relevant Provisions of the Companies Act Through The Director Mr. Jagdish Jhawar 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, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Engineer In Chief Public Health Engineering Department, Mantralaya, Indravati Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. The Chief Engineer, Public Health Engineering Department, Neer Bhawan, Civil Lines, District Raipur Chhattisgarh.
4. The Superintending Engineer Public Health Engineering Department, Durg Circle, Malviya Nagar Chowk Near Sales Tax Office Durg, District Durg Chhattisgarh.
5. The Executive Engineer, Public Health Engineering Department, Project Division Bemetara, District Bemetara Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Vivek Chopda, Advocate
For Respondent-State	:-	Shri Alok Bakshi, Addl. AG

Order On Board By

Hon'ble Justice Shri Prashant Kumar Mishra

18/06/2019

1. Petitioner has executed a works contract awarded to him for water supply project for salinity affected villages of Nawagarh Block and District Bemetara for an amount of Rs.6145.05 lakhs. According to the petitioner, the entire work has been completed for which the completion certificate has been issued by the Department on 23.05.2019 vide Annexure P7. However, despite the completion of the work and raising the final bills payment is not made to the petitioner.
2. Perusal of the document Annexure P7 would indicate that the same is captioned as "Interim Completion Certificate" and not final. Whether or not the Department has measured the work and reach to the satisfaction of its completion within the terms of contract is a issue which is required to be examined by the Department for taking eventual decision to release the admitted claim raised by the petitioner.
3. In the matter of **Om Sai Traders and Tent House vs.**

State of Chhattisgarh in WA No.38 of 2015, Division Bench of this Court has held that for releasing of admitted money claim, a writ petition would be maintainable, therefore, considering the said observation by the Division Bench it is deemed appropriate that the writ petition is disposed of with direction that in the event petitioner submits fresh representation within 4 weeks along with copy of the bills raised by him before Competent Authority responsible for making payment, the said authority shall examine the issue and if the claims raised by the petitioner are admitted or undisputed the same shall be released within terms of contract. The representation shall be decided within a period of 3 months from the date of submission.

Sd/-
(Prashant Kumar Mishra)
Judge

Ankit