

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2368 of 2018**

- Nature Clean Foundation Through Secretary Sanjay Kumar Bhaskar, S/o Late Shri Baidhyanath Singh, Aged About 48 Years, Presently Working As Secretary, Nature Clean Foundation, P - 07, Sector - 02, Agrasen Nagar, Ring Road, No. 1, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh.
2. Director, Directorate Urban Administration And Development Department, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh.
3. Chief Municipal Officer, Municipal Council, Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Petitioner : Shri Shrawan Agrawal, Advocate.
For Respondent/State : Shri Sudeep Verma, Deputy GA.
For Respondent No.3 : Shri Sunil Verma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/01/2019 :**

1. The petitioner has executed the work under the Sarvajanik Prasadhan Yojna, 13th Finance Commission Scheme and Swachh Bharat Mission Scheme, however, on account of some audit objection, payment has not been released.
2. Referring to the provisions contained in the Chhattisgarh Municipalities Internal Audit (Standard Procedure) Rules, 2017 (for short 'the Rules,

2017'), it is argued that let there be pre-payment audit of the work performed by the petitioner and based on the report of the said audit, respondent No.3 may decide the issue concerning payment.

3. Perusal of clause-13 of the Rules, 2017 would indicate that before making payment, the auditor is required to undertake audit in accordance with the procedure prescribed therein. In the document (Annexure-P/10) containing objection of the previous auditor, the Accountant of the Municipal Council, Kondgaon has raised certain audit objections and sought guidance from the Director, Urban Administration, however, the matter has not progressed thereafter.
4. Considering the nature of dispute between the parties, the Writ Petition is disposed of with a direction that the concerned Municipality shall conduct audit in accordance with clause-13 of the Rules, 2017 and thereafter if the work performed by the petitioner is found to be in accordance with the scheme and the procedure applicable therein and there is no dispute in respect of payment of amount, the same may be decided expeditiously.
5. The entire process be completed within a period of 3 months from the date of presentation of certified copy of this order before the concerned CMO.

Sd/-
Judge
(Prashant Kumar Mishra)