

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2859 of 2019

Maa Bhagwati Construction, A Proprietor Ship Firm Through Its Proprietor Parul Rai S/o Shri Rajesh Kumar Rai, Aged About 32 Years, R/o Flat No. 107, First Floor, Vaishali Pride, Minocha Colony, Bilaspur, District - Bilaspur Chhattisgarh - 495001

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Principal Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. Engineer - In - Chief, Public Works Department, Nirman Bhawan North Block, Sector - 19, Atal Nagar, Naya Raipur Chhattisgarh.
3. Chief Engineer, Public Works Department, Bilaspur Circle, Bilaspur Chhattisgarh.
4. Superintending Engineer, Public Works Department , Bilaspur Circle, Bilaspur Chhattisgarh.
5. Executive Engineer Public Works Department , Division No. 1, Bilaspur District - Bilaspur Chhattisgarh.
6. Collector (Khanij Sakha) Collectrate Campus, Bilaspur District Bilaspur Chhattisgarh.

--- Respondents

For petitioner – Shri Anand Dadariya, Advocate.
For State-Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/08/2019

Heard.

1. It is contended that the petitioner was awarded three contract work for which he carried out the contract work and according to the agreement clause 35 it envisages that the material used in such construction of civil work the royalty clearance certificate from the concerned department has to be produced as otherwise from the bill it would be deducted and in such case the certificate are produced then the withheld amount for royalty clearance would be paid. It is contended that the final bill has been paid however with the deduction of the royalty charges. Learned counsel referred to the document Annexure P-5 and would submit that on a

subsequent development the royalty clearance certificate has been produced and placed to the respondent No.5 by letter dated 19/04/2018. It is contended that despite such royalty clearance certificate is in the custody of the respondent No.5 the deducted bill amount of royalty charges has not been released, therefore the respondent may be directed to release the amount of royalty charges which has been withheld.

2. Perused the document Annexure P-5 dated 19/04/2018 appears that the royalty certificate have been produced. Then if it is so then it is for the department to consider the same as no dispute virtually remains on the fact.

3. Accordingly, it is ordered that the respondent No.5 shall consider the royalty clearance certificate produced by the petitioner and thereafter shall act according to the clause 35 of the agreement as early as possible within a outer limit of 4 months from the date of production of this order.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE