

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2959 of 2019

Yash Construction And Suppliers, Class 'A' Contractor And Supplier,
Near Deshbandhu English School, Station Road, Raipur,
Chhattisgarh, Through Its Sole Proprietor, Shri Subhash Agrawal,
Aged About 48 Years, Son Of Shri P.L. Agrawal, Resident Of Station
Road, Raipur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through-

1. Housing Commissioner, Chhattisgarh Housing Board, Head
Office, Paryawas Bhawan, Sector 19, North Block, Naya Raipur,
Raipur, Chhattisgarh.
2. Executive Engineer, Chhattisgarh Housing Board, Head Office,
Paryawas Bhawan, Sector 19, North Block, Naya Raipur, Raipur,
Chhattisgarh.

--- Respondents

For petitioner- Shri Alankar Singh Thakur, Advocate.
For respondents-Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/08/2019

Heard.

1. Instant petition is against the order dated 18/07/2019. The reference made under Section 7 of the Chhattisgarh Madhyastham Adhiniyam, 1983 has been dismissed on the ground that the required schedule of the court fees has not been deposited by the petitioner. Petitioner submits that the petitioner were under the financial bottle necking as such could not raise the fund for the payment of court fees and only out of Rs.10,25,035.85, Rs.2 lakhs was paid. He further submits that the petitioner may be given a chance to contest the case on merits as otherwise the petitioner shall suffer more damages which cannot be further compensated.
2. Perused the order of the Madhyastham Tribunal dated 18/07/2019. The dismissal of the reference is predominantly on the ground that as

many as 8 opportunities were given to make good the deficit of court fees, however the petitioner could not pay. The petitioner on instruction made a submission before this court that within a period of three weeks the petitioner shall deposit rest of the court fees before the Madhyastham Tribunal. Taking into the nature of the dispute, if the petitioner is non-suited only on the ground that he could not pay the court fees, then the damage caused may be much more and therefore in order to give an opportunity to the petitioner to contest the case on merits, one last opportunity is granted to the petitioner to pay the deficit court fees before the Madhyastham Tribunal. The petitioner shall pay the deficit court fees within a period of four weeks from today. MJC 1/2019 the reference case is restored subject to the fact that the petitioner shall be required to pay the entire court fees within a period of four weeks from today.

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

Sd/-

(Goutam Bhaduri)

JUDGE