

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3039 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 Jhavar Having Its Office At Merlin 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, 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 Division, Project Division Bemetara, District- Bemetara, Chhattisgarh.

----Respondents

For Petitioner : Shri Vivek Chopda, Advocate

For Respondent/State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri, Judge

Order On Board

04/09/2019

Heard.

1. The grievance of the petitioner is that the petitioner successfully carried out the contract/ job for laying of the pipe lines at Thankhmariya Nagar Panchyat, District Bemetara and the completion certificate was issued by Annexure P-4. It is stated that thereafter some of the payment though were made the entire payment for the work done had not been released. The reference is made to Annexure P-8 & P-9 dated 28.05.2019 and 01.07.2019 respectively and submits that the respondents though had admitted that

correspondence inter se to release the amount was made but till now the amount has not been released. Therefore, prayer is made that the undisputed amount which is due to the petitioner may be released.

2. Perused the documents.

3. Perusal of the documents would show that the completion certificate was issued on 20.03.2015. Subsequently the communications Annexure P-8 & P-9 were received. Reading of the said correspondence inter se would show that a communication was sent by Superintendent Engineer PWD, Durg to release the payment of petitioner by Annexure P-8 dated 28.05.2019. In response to that a reply was received on 01.07.2019 that since the allotment of fund is not been made, therefore, the amount could not be released. Prima facie it appears that there is no dispute regarding the work done and the amount to be paid. Therefore, taking into facts the completion certificate has already been issued and work had already been done in respect of the job assigned, it is directed that respondent authority shall be obliged to release the fund of the petitioner as per their own letter and shall arrange for it. The entire efforts shall be carried out within a period of 60 days. The petitioner further shall be at liberty to take appropriate steps as available to him under the law, if any disputed amount exist/ not paid.

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

Jyoti

Sd/-
(Goutam Bhaduri)
Judge