

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 50 of 2019**

1. State of Chhattisgarh Through The Secretary Government Of Chhattisgarh Water Resources Department Mahanadi Bhawan Mantralaya Naya Raipur Chhattisgarh
2. The Executive Engineer Water Resources Department (WRD) Kota ,division Kota, Police Station and Tehsil Kota, District Bilaspur Chhattisgarh.

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1. M/s Jain Engineering Works, Indore Through Its Partner Sunil Surana S/o Shri Vimal Chand Surana Aged About 57 Years, 235 Shastri Market, M.G. Road Indore Madhya Pradesh
2. M/s Vineet Singh Construction Company Private Limited Through its Director /proprietor, Vineet Singh S/o Shri Sudhish Singh Registered Office at Maharana Pratap Nagar Tifra, Tehsil and District Bilapsur Chhattisgarh R/o Maharana Pratap Colony Yadunandan Nagar Teshil And District Bilaspur Chhattisgarh

---- Respondents

For Appellants/State	:	Shri Rajnish Singh Baghel, Deputy Advocate General
For Respondent No.1	:	Shri Adhiraj Surana, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per, Ajay Kumar Tripathi, Chief Justice****06.02.2019**

1. Heard learned Deputy Advocate General and learned Counsel for Respondent No.1.
2. The writ application of Respondent No.1 was allowed by the learned Single Judge vide his order dated 04.12.2017. The reason for him to move the writ Court was when the Chhattisgarh Arbitration Tribunal ordered impleadment of Respondent No.1 in relation to a dispute relating to recovery of payment initiated against the original contractor i.e. Respondent No.2 in the present appeal.
3. Admitted position is that the contract in question was originally awarded to one M/s. Vineet Singh Construction Company Private Limited. On his failure to complete the contract, the same was terminated and a fresh contract was awarded in favour of Respondent No.1 i.e. M/s. Jain Engineering Works. In the

meantime, a dispute was raised by the original contractor, which travelled to the Arbitration Tribunal and in the Arbitration Tribunal an application was filed by the State to implead the new contractor, who was awarded contract after termination of the initial contract issued in favour of M/s. Vineet Singh Construction Company Private Limited.

4. The learned Single Judge took note of the fact that he was actually not the necessary party to the dispute. The dispute was between the original contractor and the State and merely because work was awarded to him due to non-completion by the previous contractor, he does not become a party to the dispute between the State and the original contractor.
5. The learned Single Judge, therefore, rightly set aside the order of the Tribunal which impleaded Respondent No.1 as if there was a lis subsisting between him and the State or the previous contractor.
6. We do not find any infirmity in the view or the decisions taken by the learned Single Judge. In addition to that we also take note that the appeal has been preferred after a delay of 327 days, for which an I.A. No.1 of 2019 has been filed. Having had a look at the reasons assigned therein except for usual bureaucratic delay nothing in terms of cogent explanation has been offered for preferring the appeal after such a long time.
7. In view of the same, the appeal is dismissed not only on the ground of limitation, but also on the ground that there is no merit in the appeal even otherwise.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge