

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 500 of 2020**

M/s Sanjay Agrawal, 35 - 36 First Floor, Millenium Plaza, G.E. Road, Raipur Thro' Proprietor Sanjay Agrawal, 57 Years, S/o Late Dr. Ramavtar Agrawal, 9 B, South Avenue, Chaubey Colony, Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Naya Raipur Chhattisgarh.
2. Engineer In Chief, P W D, Naya Raipur Chhattisgarh.
3. Superintending Engineer, P W D , Kanker Kanker Chhattisgarh.
4. Executive Engineer, P W D - (B & R) Div., Bhanupratappur, Kanker, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Raja Sharma, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/02/2020**

1. The challenge in the present writ petition is to the action on the part of the respondents in making recovery of alleged dues arising out a contract bearing No. 04/DL 2010-2011 and the recoveries are being made against the other contracts, which have been executed by the petitioner in the different districts.
2. The counsel for the petitioner refers to the judgments rendered by the Division Bench of this Court in the case of “**M/s. Laxmi Construction Company v. State of Chhattisgarh & Ors.**” (WPC No. 2205/2012) decided on 18.01.2013 and “**M/s. Shree Constructions v. State of Chhattisgarh & Ors.**” AIR 2012 Chh 139 decided on 10.04.2012 and also the recent judgment passed in **WPC No. 2834/2018 (M/s. N. Arjunan v. State of Chhattisgarh &**

Ors.) decided on 05.02.2019, whereby it has been categorically held by the Division Bench of this High Court that unless the dues payable on the part of the contractor is accepted by the contractor or such amount having being adjudicated upon either by the Court or by an Arbitrator, the amount due cannot be recovered from any other contract or any other dues payable to the petitioner arising out of a different contract.

3. The State counsel today on seeking instructions submits that so far as the petitioner is concerned, there shall not be any further recovery made against the petitioner in respect of the dues recoverable from the petitioner arising out of the contract No. 4/DL 2010-2011 from any other existing dues payable to the petitioner arising out of a different contract other than the contract referred to herein above.
4. In the light of the said submission made by the learned State counsel, this Court is of the opinion that there is nothing further left for adjudication in the present writ petition. The said writ petition accordingly stands disposed of giving liberty to the petitioner to approach the Court in the event if occasion so arises.

Sd/-
(P. Sam Koshy)
Judge

Ved