

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 985 of 2020

Maa Bhagwati Construction, a Partnership Firm Through Its Partner Parul Rai S/o Shri Rajesh Kumar Rai, R/o Flat No.107, First Floor, Vaishali Pride, Minocha Colony, Bilaspur, District - Bilaspur Chhattisgarh – 495001.

---Petitioner(s)

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	:	Shri Jitendra Pali, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.05.2020

1. The present writ petition has been filed seeking grant of interest and penal interest on the refund of royalty amount paid by the State to the petitioner.
2. The facts of the case is that the petitioner being a firm had undertaken some contract work with the State Govt. and which they had completed successfully. When the final payment was made, the royalty amount was withheld and other payments were released. The petitioner despite submitting all relevant clearance certificate could not get refund of the royalty paid by the petitioner.

- 3.** Finally the petitioner had to approach this court in WPC No.2859 of 2019.

The said writ petition got disposed of on 22.08.2019. The relevant portion of the order dated 22.08.2019 is reproduced herein under:

“1.....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.

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.** Though the order was passed on 22.08.2019, the respondents did not release the amount to the petitioner. Finally, a Contempt Petition No.277 of 2020 was filed by the petitioner. During the pendency of the Contempt Petition the royalty amount payable to the petitioner was refunded. The Contempt Petition was disposed of on 04.03.2020 granting liberty to the petitioner to avail such remedy as may be available to him under the law so far as claim for interest and penal interest is concerned. Subsequently, the petitioner seems to have made a representation on 29.02.2020 to the respondent No.5, copy of which was also marked to respondents No. 2,4 and 6, however, there does not seem to any have further decision taken on the said representation filed by the petitioner.

- 5.** Given the said facts and circumstances of the case and also taking note of the subsequent development, this court is of the opinion that the writ petition itself can be disposed of directing the respondents No.2 to 5 to take a decision on the representation of the petitioner so far as his claim

for interest and penal interest is concerned in accordance with the prevailing law at the earliest. It is made clear that this court has not expressed any opinion on merits so far as the claim of the petitioner is concerned.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder