

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 1017 OF 2020**

- M/s Gulabchand Jain, Proprietor, S/o Late Ranidan Jain, aged about 64 years, R/o Arihant Complex, 2nd Floor, Pachpedi Naka, Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Public Work Department, Mantralaya, Atal Nagar, Naya Raipur (CG)
2. The Superintendent Engineer, Public Work Department, Kanker, Circle Kanker, District Kanker (CG)

... Respondents

For Petitioner	:	Mr. V.K. Pandey, Advocate.
For Respondents	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/06/2020**

1. Challenge in the present Writ Petition is to the Order dated 9.3.2020 (Annexure P-1) issued by Respondent No.2 whereby in addition to the other statutory securities that have to be paid by the Petitioner for execution of an agreement, an additional security at the rate of 14.36% of the contract price amounting to Rs. 1,76,00,961/- has been demanded by the Department.
2. On perusal of record, it appears that the conditions of contract empower the Superintending Engineer to fix the rate of additional securities required and that discretion is vested exclusively upon that officer and whose decision shall be final.
3. According to the learned Counsel for the State, the Petitioner has with his eyes wide open, after due consideration of the conditions of contract, participated in the bid and found to be the highest bidder and while signing the agreement, certain additional securities have been demanded taking into consideration the nature of work.
4. Given the said fact that there is a discretionary power given to the Superintending Engineer who has exercised the same while passing the impugned Order dated 9.3.2020, this Court is of the view that at this juncture ends of justice would meet if the Petitioner is directed to approach the Respondent No.2 by making a detailed representation in respect of their grievances pertaining to the additional securities charged for an amount of Rs. 1,76,00,961/-.

5. Subject to the Petitioner furnishing the representation, Respondent No.2 is expected to take into consideration the contentions that the Petitioner shall raise and take a decision at the earliest, preferably within a period of two weeks from the date of furnishing the representation by the Petitioner.
6. It is expected that Respondent No.2 shall take into consideration the contentions of the Petitioner objectively while deciding the representation.
7. The Writ Petition accordingly stands disposed of.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE