

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1156 of 2020

Satendra Nath Biswas S/o Late Shri Sahadeve Biswas Aged About 48 Years Through its Proprietor Satendra Nath Biswas, R/o Anant Vihar Colony, Mowa , District Raipur Chhattisgarh.

---Petitioner(s)

Versus

- 1.** State of Chhattisgarh Through Department of Urban Administration, Mantralaya, Mahanadi Bhawan, New Raipur , District Raipur Chhattisgarh.
- 2.** Raipur Municipal Corporation Through Its Commissioner, District Raipur Chhattisgarh.
- 3.** Zone Commissioner Municipal Corporation Zone- 3, Raipur , District Raipur Chhattisgarh.
- 4.** Collector District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Amit Soni, Advocate.
For State	:	Shri Chandresh Shrivastava, Dy. Advocate General.
For Respondents 2&3		Shri Abhyuday Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.06.2020

- 1.** The present writ petition has been filed against the inaction on the part of the respondents No.2&3 to the extent of non releasing the amount due against the execution of work done by the petitioner arising out of the work order issued in favour of the petitioner on 25.09.2018 pursuant to construction of some drainage.
- 2.** The counsel appearing for the petitioner submits that there are sufficient correspondence available with the authorities that the funds were not released on account of non availability of funds with the respondent Corporation for which they have already approached the State Government for releasing sufficient extra fund.
- 3.** Perusal of record would show that in a similar writ petition WPC No.3644 of 2019, decided on 15.10.2019, this court has already disposed of the

writ petition directing the petitioner to approach the respondents for redressal of their grievance first. It was further directed that the respondents, in turn, shall process the claim of the petitioner and in case if it is found that the claim of the petitioner is undisputed, the work executed by him also satisfactory, the respondent authorities shall take all steps for releasing the amount in 90 days.

4. Given the said submissions made by the counsel for the petitioner, this court is of the opinion that the present writ petition also can be disposed of in similar terms as in the case of WPC No.3644 of 2019, decided on 15.10.2019. The respondents No.2&3 are hereby directed to process the claim of the petitioner in terms of the work order issued to them and subject to verification if the amount being admissible and payable, unless there is any dispute or denial on the part of the respondent, the claim of the petitioner be settled within a period of 90 days time from the date the petitioner approaches the respondents No.2&3 by way of a fresh representation or a claim application. In case, if the admissible dues are not released to the petitioner within a period of 90 days time, the admissible dues payable to the petitioner shall carry interest @ 10 percent per annum from the date of issuance of completion certificate till the actual payments are made.

5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge