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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1284 of 2020

M/s Shivangee Construction Company, Proprietorship Firm Having Its Office At Main Road, Sitamani Road, Korba, District Korba, Chhattisgarh, Through Its Proprietor Ajay Kumar Singh S/o Late Shri S.N. Singh, Aged About 43 Years, A-3 Class Contractor, R/o Main Road, Sitamani Road, Korba, District Korba, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer Public Works Department, Parikshetra-Bilaspur, Chhattisgarh.
3. Executive Engineer Public Works Department (Bha./sa.), Division Mungeli, District Mungeli, Chhattisgarh.
4. Collector Korba, District Korba, Chhattisgarh.

---Respondents

For Petitioner	:	Shri Sanjay Patel, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.06.2020

1. The challenge in the present writ petition is to the impugned order dated 01.02.2020 whereby the respondent No.3 has passed an order of recovery against the petitioner to the tune of Rs.12.98 Lakhs.
2. The contention of the petitioner is that, he is A-3 Class Contractor and had been given up-gradation work of Sargaon-Saket road with construction of culvert. The petitioner had successfully completed the work and thereafter he had raised bills also. According to the

petitioner, there was certain bills which were till date not settled and for which the petitioner has been running from pillar to post with the respondents for releasing of his outstanding dues. However, abruptly on 01.02.2020 the respondent No.3, in turn, has passed the order showing that there is an amount of Rs.7.98 Lakhs to be recovered from the petitioner and for which they shall be taking appropriate remedial steps.

3. The contention of the petitioner is that before passing of the order of recovery on 01.02.2020, the respondents had never given an opportunity to the petitioner to explain in respect of the said dues nor was he ever issued with any notice in respect of any claim which was to be made or which was to be recovered from the petitioner.
4. At this juncture, the counsel for the petitioner submits that he has already approached the respondent No.3 by way of a detailed representation, therefore, let the authorities decide his claim after due verification of the work executed by the petitioner and also on perusal of the records available in the office of the respondents and the petitioner also may be given an opportunity to explain.
5. Learned counsel appearing for the State submits that so far as decision on the representation that the petitioner has filed, he does not have any objection. However, the petitioner has entered into an agreement with the respondents-State while executing the work and any relief which the petitioner can claim has to be in terms of the Clauses on the said agreement.

6. Be that as it may, since the request of the petitioner at this juncture is only for a direction to the respondent No.3 to decide his representation, the writ petition stands disposed of directing the respondent No.3 to take a decision in accordance with terms and conditions of the agreement after due verification of the records and affording due opportunity of hearing to the petitioner.
7. In case if there is any further grievance which the petitioner has, the petitioner would have to take recourse in terms of the agreement entered into between the parties. Let the representation of the petitioner be decided at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder