

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1332 of 2020**

1. M/s Prakash Kumar Agrawal A Proprietorship Firm Through Its Sole Proprietor Prakash Kumar Agrawal, S/o Shankar Lal Agrawal, Aged About 44 Years, R/o Aadarsh Nagar, Seetapur, Surguja Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Nagar Panchayat Seetapur Through Its Chief Municipal Officer, Nagar Panchayat Seetapur, Surguja, Chhattisgarh., District : Surajpur, Chhattisgarh
3. Executive Engineer Regional Officer, Urban Administration And Development Surguja Division, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/07/2020**

1. The present writ petition has been filed seeking for a direction to the respondents for disbursing of the amounts due towards the pricing out of a contract awarded to the petitioner in the year 2012, which has till date not been finalized.
2. The facts of the case is that the petitioner is in the business of construct and he has been awarded a contract for the construction of a shopping complex in front of Ward No. 1 R.E.S. Colony. The petitioner on participating was found to be lowest and was awarded the same. The petitioner completed the construction within time as per the statement made by the petitioner. Upon the completion of the said construction, the concerned Nagar Panchayat had auctioned all these shops as early as on 13.03.2013. However despite repeated

request, the final bills payable to the petitioner have not been finalized nor that has been settled.

3. According to the Counsel for the petitioner, the petitioner still is entitled to receive amount approximately eleven lakh from the respondents.
4. Counsel for the petitioner submits that, there is no dispute so far as this remaining claim which is left pending with the respondents and the same has not been cleared only on account of the technical/financial approval not being received from the State Government in this regard.
5. The learned counsel for the State however opposing this petition submits that firstly the petitioner has filed the present writ petition at a belated stage as the work got completed as early as in the year-2013 and the present writ petition has been filed after 7 years.
6. The second submission of the counsel for the State is that the amount claimed by the petitioner seems to be by virtue of the escalation that is said to have occurred. This according to the state counsel can not be said to be an admitted claim. According to the State Counsel it needs to be considered/decided by the authorities in accordance with the terms and conditions of the agreement/contract entered into between the parties.
7. Given the said submission made by the learned counsel for the State, this Court at this juncture, does not wish to enter into the merits of the case. We leave it for the petitioner to approach the Competent Authority by moving a fresh application in this regard and the Competent Authority shall duly process the same and consider the claim of the petitioner strictly in accordance with the terms of the agreement/contract and shall finalize the bills at the earliest. However, in case, if any further claim/dispute arises, the petitioner

would be left to avail appropriate recourse in terms of the agreement/contract.

8. It is expected that the petitioner upon approaching the Competent Authority, the Authority shall consider/decide his representation at the earliest preferably within a period of 120 days from the date of receipt of copy of this order.
9. With the aforesaid directions/observations, the writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha