

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2271 of 2020

1. Asha Medical Systems Through - Its Authorized Representative (Partner), Mr. Om Prakash Tithrani, Aged About 60 Years, S/o Mr. V.R. Thitrani, R/o B -83, VIP Estate, Kharmadi, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh Medical Services Corporation Limited Through Its Managing Director, North-West Commercial Complex, Sector-27, Atal Nagar, Raipur, Chhattisgarh
3. General Manager, Equipment, Chhattisgarh Medical Services Corporation Limited, North-West Commercial Complex, Sector-27, Atal Nagar, Raipur, Chhattisgarh
4. Principle Secretary, Finance Department, State Of Chhattisgarh, Director Chhattisgarh Medical Services Corporation Limited. North-West Commercial Complex, Sector- 27, Atal Nagar, Raipur, Chhattisgarh
5. DKS Post Graduate Institute And Research Center Through Its Medical Superintendent, DKS Bhawan, Shastri Chowk, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate.
For Resp. No. 2&3	:	Mr. Animesh Tiwari, Advocate.
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06.10.2020

1. The present writ petition has been filed by the petitioner for an appropriate direction to the respondents for releasing of the balance of amount against the supply of the medical equipments made by the petitioner to respondent No.5 through respondent No.2 & 3.
2. Contention of the counsel for the petitioner is that the supply was made in the year 2018 and of the total amount payable was Rs. 10,80,99,456/-. That the respondents from the said amount have released 50% of the amount i.e. Rs. 5,40,49,728/-, however, the balance of amount has till date not been released in spite of the fact that there is no dispute whatsoever till now so far as quantity and quality of the supply made.
3. Counsel appearing for respondent No.2 & 3 submits partial payment of about 50% has been released by respondent No.2 & 3 on receiving the said amount from respondent No.5 and balance of amount shall also be released to the petitioner immediately on receipt of the said amount from respondent No.5.
4. Given the fact there is no dispute as of now as contended by the petitioner in respect of the quantity and quality of the supply made, moreover about more than 50% of the amount having already been released by the respondents to the petitioner, this Court does not find any good reason why the respondent No.5 or for that matter to other respondents to hold back the balance of amount payable to the

petitioner, unless the amount payable is disputed by the respondents.

5. Given the facts and circumstances, the writ petition at this juncture stands disposed off directing the respondent No.5 to ensure that balance of payment payable to the petitioner after due verification and scrutiny of the records and if no dispute is found so far as claim raised by the petitioner is concerned, the same be processed and cleared at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
6. Accordingly, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge