

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2084 of 2020

Warden Surgical Co. Pvt. Ltd. Through Its Director Mr. Sunil Ramkrishna Shetty, S/o Ramkrishna Shetty, Aged About 53 Years, Office At Plot No. 75 And 76, Jawahar Co-Opp. Industrial Estate, Kamothe, Panvel, Navi Mumbai, Maharashtra - 410209, District : Mumbai, Maharashtra

---- Petitioner

Versus

- 1.** State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhavan, Atal Nagar, 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.** Principal 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, Shashtri Chowk, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate.
For State	:	Mr. Mateen Siddiqui, Dy. AG
For Res. No.2 & 3	:	Mr. Animesh Tiwari, Advocate

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

29.09.2020

1. The present writ petition has been filed by the petitioners for an appropriate direction to the respondents for releasing of the balance of amount against the supply of the medical equipments made by the petitioners to respondent No.5 through respondent No.2 & 3.
2. Contention of the petitioner is that the supply was made in the year 2018 and of the total amount payable was Rs. 2,26,33,990/-. That the respondents from the said amount have released 50% of the amount i.e. Rs. 1,13,16,950/-, 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 the 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 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 of 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.

**Sd/-
(P. Sam Koshy)
Judge**

Rohit