

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (C) NO. 2711 OF 2020

Schiller Healthcare India Pvt. Ltd. Through - Its Authorized Representative, Mr. Amit Tickoo, Aged About 42 Years, S/o Mr. Ashok Kumar Tickoo, Office At Schiller Healthcare India Private Limited, 2nd Floor, Advance House, Makwana Road, Marol Naka Metro Station, Andheri (E), Mumbai, Maharashtra, 400059.

... 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, Chhattisgarh.
3. General Manager, Equipment, Chhattisgarh Medical Services Corporation Limited. North - West Commercial Complex, Sector-27, Atal Nagar, Chhattisgarh.
4. Principle Secretary, Finance Department, State Of Chhattisgarh, Director Chhattisgarh Medical Services Corporation Limited North - West Commercial Complex, Sector-27, Atal Nagar, Chhattisgarh.
5. D K S Post Graduate Institute And Research Center, Through Its Medical Superintendent, D K S Bhawan, Shastri Chowk, Raipur, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate.
For Respondents/State	:	Ms. Akansha Jain, Dy. G.A.
For Respondents 2 & 3	:	Mr. Yogendra Pandey, Advocate, under instructions of Mr. Animesh Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2020

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 respondents no. 2 & 3.
2. Contention of the petitioner is that the supply was made in the year 2018 and the total amount payable was Rs. 6,13,20,000/-. That the respondents from the said amount have released 50% of the amount i.e. Rs. 3,06,60,000/-. However, the balance of amount has till date has 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 respondents no.2 & 3 submits that partial payment of about 50% has been released by respondents no.2 & 3 on receiving the said amount from respondent no. 5 and the 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 that 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, the other respondents would 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 of the case, the present writ petition at this juncture is being disposed of directing the respondent no.5 to ensure the payment of balance amount payable to the petitioner after due verification and scrutiny of the records and if no dispute is found so far as the claim raised by the petitioner 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. Writ Petition accordingly stands disposed of.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE