

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2515 of 2020**

M/s Bagrecha Interiors Having Its Office At Moti Bagh Chowk To Raj Bhawan, Road Inder Lok Apartments, 1st Floor, Raipur, District Raipur, Chhattisgarh, Through Its Proprietor Rupal Bagrecha

---- Petitioner**Versus**

1. Municipal Corporation Bhilai Through Its Commissioner District Durg Chhattisgarh.
2. The Executive Engineer Zone - 4, Municipal Corporation Bhilai, Khursipar, Chowk, Bhilai, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ankit Singhal, Advocate
For Respondents	:	Mr. H.B. Agrawal, Sr. Advocate along with Mr. Amit Tirkey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/11/2020**

The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not releasing the balance of payment outstanding towards the works executed by the petitioner.

According to the petitioner, he was awarded with a work order on 20.03.2013 for beautification and the landscaping of Samrat Ashok Chowk, Ward No.36, Khursipar, Bhilai, District Durg. The petitioner had raised a bill for an amount of Rs.62,54,000/- of which the respondents have released an amount of about Rs.42,00,000/-.

The balance amount has not been paid to the petitioner till now inspite of repeated approach to the authorities. The contention of the petitioner is that the said amount has till date not been disputed by the Corporation, nor is there any order passed against the petitioner in respect of non-performance or unsatisfactory performance of his work. Neither is there any recovery order issued against the petitioner in respect of some unaccomplished work assigned to the petitioner, therefore for the admitted facts, the petitioner is entitled for the balance of payment also.

The counsel for the petitioner at this juncture submits that let the writ petition be disposed of directing the respondent No.1 to decide the claim of the petitioner, so far as the entitlement of the balance of the outstanding amount at the earliest, and if he is entitled then why payment is not being made at the earliest.

Learned senior counsel appearing for the respondents submits that in case if the petitioner makes a fresh claim in addition to the pending representation of the petitioner Annexure P/7 that he has enclosed along with the writ petition, the same shall be decided in accordance with the terms of agreement entered into between the parties at the earliest preferably within a period of 6 weeks from the date of receipt of the copy of this order.

The writ petition accordingly stands disposed of directing the respondents to consider and decide the claim of the petitioner so far as releasing of the admitted balance of amount outstanding.

It is made clear that this Court has not expressed any opinion on the merits of the case. The respondents would be deciding the claim of the petitioner purely after due verification of the records in terms of the agreement entered into between the parties.

Sd/-
(P. Sam Koshy)
Judge

Ved