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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4687 of 2019

West India Construction Company Western Chambers , 1/3 Akash Ganga, Bhilai Tahsil And District Durg Through Partner Ashok Kumar Jain, Aged About 65, S/o Late Sheri Chabbil Das Jain , 69/8 Nehru Nagar (West) Bhilai , Tahsil And District Durg Chhattisgarh

---- Petitioner

Versus

1. State Government Of Chhattisgarh Through The Secretary , Gramain Yantriki Sewa Department , Mahanadi Bhavan , Atalnagar , Capital Complex Police Station Rakhi , New Raipur Chhattisgarh
2. Chief Engineer Gramin Yantriki Sewa, Vikash Bhavan , Raipur Chhattisgarh
3. Superintending Engineer Gramin Yantriki Sewa, Behind Collectorate Premises, Durg Chhattisgarh
4. Executive Engineer Gramin Yantriki Sewa Division , Bemetara District Bemetara Chhattisgarh.
5. Sub Divisional Officer Gramin Yantrki Seva Sub Division, Bemetara Chhattisgarh

---- Respondents

For Petitioner : Shri Vinod Kumar Sharma, Adv.
For State : Shri V R Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.01.2020

1. The relief sought for in the present writ petition is for quashment of Annexure P/3 dated 13.05.2019 whereby respondents have pointed out certain deficiencies which the petitioner have to rectify in terms of agreement/contract entered into between the parties. Further relief sought is for releasing of the amount due allegedly to the petitioner to the tune of Rs. 5,89,967/- with interest.

2. At the outset itself this Court is not inclined to entertain the writ petition for the reason that pursuant to Annexure P-3 which is the order under challenge in the present writ petition, the petitioner issued a detailed letter dated 25.06.2019 and in the said letter itself

they had clearly mentioned that, in case, if the amount due to the petitioner is not released, the petitioner would be left with no other option but to initiate arbitration proceedings in terms of agreement / contract.

3. Given the said letter issued by the respondent, this Court is of the opinion that the writ petition would not be maintainable. However, the right of the petitioner stands reserved to avail other remedies open for ventilating his grievance, if any, in accordance with agreement/ contract entered into between the petitioner and the respondent.

4. The writ petition therefore stands dismissed as not maintainable.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha