

December 7, 2021
Item No.16
Court No.1
SG/s.biswas

MAT 685 of 2019
With
CAN 1 of 2019 (Old No. CAN 4857 of 2019)
+
CAN 2 of 2019 (Old No. CAN 9000 of 2019)
+
CAN 3 of 2019 (Old No. CAN 12592 of 2019)

Anupam Sirkar
vs.
Union of India and others
(Through Video Conference)

Mr. Anupam Sirkar

... appellant in person

Mr. Y. J. Dastoor,
Mr. Vipul Kundalia,
Mr. Arijit Majumdar, Advocates

... for the Union of India

Having heard the appellant in person and on the perusal of the record, we have noticed that the appellant had approached the writ court with the plea that after awarding the contract the appellant was issued the work order requiring the commencement of work on 21.06.2018 and completion on 20.12.2018. Certain disputes arose in respect of the approval and the work was delayed and the request was made by the appellant for extension of time for completion of work. The stand of the appellant before the writ court was that the delay occurred on account of the action/inaction of the concerned respondents. The respondents had sent the letter dated 21.12.2018 in respect of cancellation of the contract and in this background the appellant had filed the writ petition seeking a direction to the respondents to extend the period of the contract and to restrain them from cancelling the work order.

Learned single Judge while passing the order under appeal dated 07.05.2019 has duly considered the entire issue

and has noted that the writ petition was filed on 12.04.2019 which was beyond the date of completion of the contract. It has also been noted that the termination of the contract was subject matter of the petition and the petition involved disputed questions of fact. It was also noticed that the petition was filed subsequent to the completion of the period of contract and that without taking evidence the disputed factual issues could not be decided. Hence, the petition has been dismissed. The order passed by learned single Judge does not suffer from any error.

It is not in dispute that the contract was terminated on 25.04.2019. Learned counsel appearing for the respondents has pointed out subsequently the matter was referred to arbitration and the arbitral award has also been passed on 16.07.2021.

Hence, at this stage appellant cannot be permitted to agitate the issue of extension of time to complete the contract. Even otherwise we do not find any infirmity in the view taken by learned single Judge. Accordingly, the appeal is dismissed. However, we make it clear that the dismissal of this appeal will not affect the other remedies which may be available to the appellant.

The connected applications are also accordingly dismissed.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]