

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.646 of 2021

- M/s. Pawar Construction Company Having Its Office At Near Bus Stand, Kurud, District- Dhamtari, Chhattisgarh Through Its Partner Rajesh Pawar Aged About 43 S/o Ashok Pawar, R/o New Bus Stand, Kurud District, Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. Nagar Panchayat Kurud Through Its Chief Municipal Officer, Office Of The Nagar Panchayat Kurud, District- Dhamtari Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Urban Administration And Development, Mantralay, Mahanadi Bhavan, Nava Raipur, Chhattisgarh

---- Respondents

For Petitioner	– Mr. Harshwardhan Parganiha, Advocate.
For respondent No.01	– Mr. Ghanshyam Patel, Advocate.
For State	– Ms. Akanksha Jain, Dy. G.A.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-11-2021

1. Heard.
2. This petition has been brought being aggrieved by the action of respondents withholding the final payment to the petitioner of the work done, along with fixed deposit receipt, security amount/fund, performance guarantee etc.
3. It is submitted that the petitioner was awarded contract for construction of road, chawpatty and other works in Kurud, District- Dhamtari. The

petitioner has proceeded to complete the construction and all the construction work have been completed within time. After the submission of final bill, the same has been with-held. Although, the respondents are not disputing the claim of the petitioner in the final bill, therefore, it is prayed that appropriate writ may be issued.

4. Learned counsel for the respondent No.01 opposes the submissions and submits that the present petition is not maintainable, as it has been brought as a single petition with regard to the four contract work allotted to the petitioner. The respondents are not disputing any amount to be paid to the petitioner, however, the demand made by the respondent No.1 for submission of royalty clearance certificate has not been complied by the petitioner. According to the Clause 37 of the agreement between the petitioner and the respondents, the petitioner/contractor is obliged to clear all the quarry fees, royalties, octal duties, ground rent etc. before the submission of final bill. Therefore, the demand made by the respondents for submission of certificate regarding clearance of royalty is reasonable. Therefore, this petition can be disposed off with appropriate direction.
5. Learned State counsel representing respondent No.2 makes formal objection.
6. Heard learned counsel for the parties and perused the documents present on record.
7. Considered on the submissions. The respondents' side is not disputing the allotment of work to the petitioner and also the construction work completed by the petitioner. The claim in the final bill and also the fixed deposit receipt etc. are also not disputed by the respondents. The only hurdle appears to be that the respondent is asking for deposit of the

royalty clearance certificate, otherwise, there appears to be no dispute present between the parties. Hence, this petition is disposed off at the motion stage.

8. The petitioner is directed to supply all the copies of the royalty clearance certificate or other documents available with him before the respondent No.1 within a period of 07 days. Subsequent to that respondent No.1 shall be obliged to consider on the final bill for payment to the petitioner with respect to the amounts undisputed within a period of 90 days from the date, the documents are submitted by the petitioner. In case the respondent No.01 fails to take any decision on the pending bills of the petitioner then respondent No.1 shall also be obliged to make payment of interest at the rate of 6% per annum on the amount due on the petitioner until the date of full payment.

9. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika