

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 734 of 2021

- Maa Bhagwati Construction A Partnership Firm Through Its Partner Parul Rai, S/o Shri Rajesh Kumar Rai, Aged About 34 Years, R/o Flat No. 107, First Floor, Vaishali Pride, Minocha Colony, Bilaspur, District Bilaspur Chhattisgarh 495001

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Engineer In Chief Public Works Department, Nirman Bhawan North Block, Sector - 19, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
3. Chief Engineer Public Works Department, Bilaspur Zone, Bilaspur Chhattisgarh
4. Superintending Engineer Public Works Department Circle, Bilaspur Circle, Bilaspur Chhattisgarh
5. Executive Engineer Public Works Department, Mungeli, Division, Mungeli Chhattisgarh.
6. Collector (Khanij Sakha) Collectrate Campus, Mungeli, District Mungeli Chhattisgarh

---- Respondents

For petitioner	:	Mr. Anand Dadariya, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.03.2021

Heard.

1. Learned counsel for the petitioner submits that as per the NIT (Notice Inviting Tender) dated 07.12.2016 (Annexure P/1), 40 residential quarters were completed before the specified time. He submits that the petitioner since has completed the job before the specified time limit, therefore, he was entitled to receive the 'Incentive Bonus' as per Clause 5.3, 'Escalation Price' as per Clause 11(C) and 'Refund of Security Deposit' as per Clause 18 and 'Royalty Amount' as per Clause 35 of the Contract. He further submits that despite the

recommendation made by the Superintending Engineer Public Works Department by Annexure P/10 on 13.01.2021, the Executive Engineer Public Works Department Mungeli is sitting over the issue and the payment is not released till date.

2. Learned State counsel on the earlier occasion was directed to seek instructions. He further submits that the petitioner may file a representation before the Executive Engineer Public Works Department which would be decided in accordance with the terms of the contract after verification of facts.

3. Considering the submission made by the parties and taking into account the recommendation made by the Superintending Engineer Public Works Department filed as Annexure P/10 dated 13.01.2021 to the Executive Engineer by the Superintending Engineer Public Works Department, it is directed that the Executive Engineer would decide the representation which is filed by the petitioner as Annexure P/9 dated 28.10.2020 within a period of two weeks from the date of receipt of copy of this order.

3. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE