

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP(C)T No. 2055 of 2021

1. N.W. Overseas Through Its Proprietor Sh. Rajesh Singla S/o Sh. Naresh Singla Office At 42, Devi Murti Colony, Panipat, Haryana, India
2. Sh. Rajesh Singla S/o Sh. Naresh Singla, Being Proprietor Of M/s N. W. Overseas Office At 42, Devi Murti Colony, Panipat, Haryana, India

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur, Chhattisgarh
2. Chhattisgarh Medical Services Corporation Limited Through Its Managing Director North- West Commercial Complex, Sector 27, Atal Nagar, Chhattisgarh
3. General Manager Equipment, Chhattisgarh Medical Services Corporation Limited. North- West Commercial Complex, Sector 27, Atal Nagar, Chhattisgarh
4. Principal Secretary Finance Department, State Of Chhattisgarh, Director Chhattisgarh Medical Services Corporation Limited. North- West Commercial Complex, Sector 27, Atal Nagar, Chhattisgarh
5. D K S Post Graduate Institute And Research Center Through Its Medical Superintendent, D K S Bhawan, Shastri Chowk, Raipur Chhattisgarh

---- Respondents

For Petitioner	: Shri Sabyasachi Bhaduri, Advocate.
For State	: Shri Amrito Das, Addl. A.G.
For Respondents 2 & 3	: Shri Animesh Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13.07.2021

1. The present writ petition has been filed by the petitioners for an appropriate direction to the respondents for releasing of the unpaid amount against the medical equipments supplied by the petitioners to the respondent No. 5 through the respondents No. 2 & 3.
2. The contention of the counsel for the petitioners is that they were found eligible in a tender proceeding for supply of certain medical

equipments. On account of they being selected for the supply, the petitioners on receipt of the purchase order, have supplied the entire consignment order. That the total supply made by the petitioners was worth Rs. 2,14,39,999/- out of which only 50% amount amounting to Rs. 1,07,19,999/- has already been paid and the balance of 50 % is left to be cleared.

3. Though the entire supply was made by the petitioners' establishment as early as in the year 2018, till date, though about three years have passed, the petitioners have not been paid the balance 50% of amount. According to the counsel for the petitioners, till date there has been no intimation to the petitioners as regards any short-fall in the supply or any defects in the supply so made or any deficiency in the product so supplied. As such according to the petitioner, it has to be presumed that the supply made, is proper in all aspect and in terms of the purchase order issued by the respondents and therefore the balance amount of Rs. 1,07,19,999/- becomes an admitted due receivable by the petitioners which the respondents should honour at the earliest.
4. The learned State counsel as also the learned counsel for the respondents No. 2 & 3 appearing on advance notice submits that the contention of the petitioners so far as the supply being nondefective and deficiency free, is a fact which needs to be verified and it also needs to be verified whether any dispute has been raised by the State or for that matter the respondents No. 2 & 3 in-respect-of the supply so made by the petitioners to the respondents No. 5- Medical

College.

5. Given the said facts and circumstances of the case, this Court is of the opinion that subject to verification of the apprehensions that have been raised by the State Counsel as also by the counsel for the respondents No. 2 & 3 in-respect-of the supply being defect free or not and also verifying whether there is any dispute already raised by the respondents or not. At this juncture, the writ petition can be disposed of directing the respondents to ensure that in case if there is no dispute and the supply being defect free, the admissible dues payable to the petitioners be cleared and settled within an outer limit of 90 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge