

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2436 of 2020**

- M/s Choubey Constructions Through Proprietor Aashmuni Chaturvedi Son Of Shatrughan Chaturvedi Aged About 46 Years, R/o DC Road Mandir Gali, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh.
2. Chief Executive Officer Chhattisgarh Rural Road Development Agency Vikas Bhawan, Civil Lines, Raipur, Chhattisgarh.
3. Chief Engineer Mukhya Mantri Gram Sadak Evam Vikas Yojna Prakost, Vikas Bhawan, Civil Lines Raipur, Chhattisgarh.
4. Superintendent Engineer, CGRRDA Circle No. 01, Ambikapur, Surguja, Chhattisgarh.
5. Executive Engineer Rural Development Division CGRRDA, District Surguja, Chhattisgarh.

---- Respondents

For Petitioner	:-	Mr. C.J.K. Rao, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.

Proceedings through Video Conferencing**Hon'ble Shri Prashant Kumar Mishra, Ag. CJ****Hon'ble Shri Parth Prateem Sahu, J.****Order On Board****By**

Prashant Kumar Mishra, Ag. CJ**07/06/2021**

1. Petitioner was awarded work under Mukhyamantri Gram Gaurav Yojna package no. MMGGPY-SRG-07 (5 village Gaurav Path Construction) on 29.8.2020, however, petitioner did not complete the work within time and his prayer for extension of time was rejected and thereafter a fresh tender has been now awarded, during pendency of writ petition to M/s Subodh Kumar Shukla.
2. In the above circumstances, petitioner's prayer for setting aside the order Annexure P1, cannot be considered in this petition. The issue of return of performance guarantee/ security amount needs to be considered by the respondents within the terms of the contract, if the petitioner moves before the authority by making representation in terms of the tender document. Needless to say, if such application is moved by the petitioner, within a period of 30 days from the date of receipt of copy of this order, the same shall be considered and decided, in accordance with law and on its own merits expeditiously, preferably within a period of six months.
3. Accordingly, the present writ petition is disposed of in the above stated terms.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Parth Prateem Sahu)
Judge

Ayushi