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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4193 of 2021

- Marg ERP Limited, Marg House, Office At Plot No.7, Wazirpur Press Area, Opp. Netaji Subhash Place, Delhi-110035, Through Its Authroized Signatory Tarun Rawat, S/o Late Sh. S.S. Rawatson of Shri Kumar Pal Singh, Aged About 42 Years.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through: The Principal Secretary Department of Panchayat and Rural Development, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Mission Director, State Rural Livelihood Mission (DDU-GKY Cell), Vikas Bhawan, Second Floor, Sector-19, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Respondents

For Petitioner – Shri Abhishek Sinha, Senior Advocate with Shri Shashank Thakur, Advocate.

For State – Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2021

Heard.

1. It is submitted by learned counsel for the petitioner that the petitioner company was sanctioned a project for placement linked skill Development under Deendayal Upadhyay-Gramin Kaushal Yojana by order dated 25-05-2018 issued by respondent No.2. The MOU was signed by respondent No.2 and the petitioner completed all the formalities with respect to the same. The work assigned was also initiated, but for the reason that the work was to be executed in naxal affected area in District Balrampur, the petitioner was constrained to give up the project and intimation regarding closure of the project was sent to the authorities on 14-05-2020. A detailed application praying for surrender of the project was also filed on 15-06-2020. The respondent No.2, ignoring the request made by the petitioner, by a letter dated 01-12-2020 informed that the project allotted to the petitioner has been

cancelled and that the bank guarantee submitted by the petitioner shall be invoked. The petitioner made representations to the respondents department praying for review and reconsideration which was not considered and decided and the amount of bank guarantee Rs.31,78,950/- has been encashed by the respondents. The petitioner has preferred an appeal against the order dated 01-12-2020 passed by respondent No.2 before respondent No.1 as the impugned order was passed without affording any opportunity of hearing to the petitioner and the reason for closure of the project had been unavoidable due to the circumstances present in the naxal affected area. Therefore, there was no requirement of taking any punitive measure against the petitioner. The appeal filed is yet to be decided. Therefore, it is prayed that appropriate direction be issued.

2. The State counsel opposes the submission and submits that the appeal before respondent No.1 is pending which may be decided in due course. Therefore, there is no requirement of passing any order in this petition.

3. After considering on the submissions made by the petitioner and the State/respondents counsel, the petition is disposed off at motion stage and respondent No.1 is directed to take up consideration on the appeal as soon as possible and decide the same at the earliest preferably within a period of 60 days from today. Hence, with this direction the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge