

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 19009 of 2011

M/s. M.M. Construction

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Petitioner

Mr. K.B. Panda, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite parties

Mr. J.P. Patnaik, GA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

10.01.2022

Order No.

4

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Mishra on behalf of Mr. K.B. Panda, learned counsel for the petitioner and Mr. J.P. Patnaik, learned Government Advocate.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to make payment of differential amount paid by the petitioner towards increase in materials with effect from 25.03.2007 till 31.03.2009 within a stipulated period.

4. Mr. J.P. Patnaik, learned Government Advocate contended that the petitioner was granted extension of time, as he could not complete the work within time, therefore, he is not entitled to get differential

cost of the materials. As such, the claim as laid by the petitioner is a money claim, thereby, the writ petition cannot sustain in the eye of law.

5. Since the petitioner has made money claim in this writ petition, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to approach the appropriate authority, if any cause of action survives.

6. With the above observation, the writ petition is disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Alok

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(**DR. B.R. SARANGI**)
JUDGE

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(**S.K. PANIGRAHI**)
JUDGE

