

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12011 of 2013

***M/s Kar and Kar and Kar
Construction Pvt. Limited***

....

Petitioner

Mr. P.C. Nayak, Advocate

-versus

State of Odisha and another

....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE DR. B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

05.01.2022

Order No.

4. 1. The matter is taken up through hybrid mode.
2. Heard Mr. P.C. Nayak, learned counsel for the petitioner and Mr. A.K. Mishra, learned Addl. Government Advocate.
3. The petitioner in this writ petition seeks for a direction to opposite parties for release/refund of excess royalty deducted from its bill in respect of work "Improvement to Chitavada-Morada-Amarda Road, Mayurbhanj under NABARD Assistance-RIDF-X, vide Agreement No.148 P1 of 2011-12", along with accrued interest thereon, within a stipulated period.
4. Learned counsel for the petitioner submits that the writ petition is squarely covered by the judgment of this Court passed in W.P.(C) No.11830 of 2013 on 18.03.2015, as well as the ratio decided in the case of *Akuli Charan Das v. State of Orissa and others*, 2006 (Supp.-II) OLR 672 and, as such, the present case may be disposed of in terms of the said judgments.

5. In view of the above, the writ petition is disposed of in terms of the judgment dated 18.03.2015 passed in W.P.(C) No.11830 of 2013 and the ratio decided in *Akuli Charan Das* (supra).

6. It is therefore, directed that in the event the petitioner, with regard to the grievance made in this petition, files a comprehensive representation before the appropriate authority along with certified copy of this order, attaching therewith running account bills and the judgment of this Court dated 18.03.2015 passed in W.P.(C) No.11830 of 2013 and the judgment in the case of *Akuli Charan Das* (supra), within four weeks hence, the same shall be considered and decided by the authority concerned by passing a reasoned and speaking order as expeditiously as possible, preferably within a period of four months from the date of filing of such representation.

5. It is further directed that in case the petitioner is found to be entitled to get refund of any amount, the same shall be refunded to the petitioner within six weeks from the date of passing of the order or adjust the refundable amount against any ongoing/completed projects that may be undertaking, if the petitioner may opt for.

6. Urgent certified copy of this order be granted as per rules.

(DR. B.R. Sarangi)
Judge

(S.K. Panigrahi)
Judge

pcd

