

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5972 of 2017

Ambika Prasad Bhatta

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Petitioner

Mr. D.K. Sahoo-1, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S. K. MISHRA

ORDER

05.08.2022

Order No.

7

This matter is taken up through hybrid mode.

2. Heard Mr. D.K. Sahoo-1, learned Counsel appearing for the Petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the letter dated 01.10.2016 under Annexure-13 issued by Chief Engineer, DPI & Roads, Odisha and the Office Order dated 21.11.2016 under Annexure-14.

4. Mr. D.K. Sahoo-1, learned Counsel appearing for the Petitioner contended that since the period of Contract has been extended by the Authority, the Petitioner is not liable to pay penalty of 1% on the value of work imposed on him.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State Opposite Parties contended that since the Petitioner has already completed the work within the extended time period, the Petitioner is not liable to pay the penalty of 1% on the value of work.

6. Considering the Contentions raised by learned Counsel for the parties and after going through the records, this Court disposes of the Writ Petition with a direction to Opposite Party No.1 to consider the grievance of the Petitioner vide Annexure-15 dated 16.01.2017 for revocation of 1% penalty in respect of work “Improvement to Angul town road from Raj Hotel Chhak to Hemsurpada Chhak from 0/0 K.M. to 1.5 K.M.” as expeditiously as possible, preferably within a period of three months, as the Petitioner has already completed the work in question within the extended period granted to him.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Alok/Ananta

