

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC NO.1267 OF 2017

Malaya Bisoyi

....

Petitioner

Mr. Surajit Nath, Advocate

-versus-

Badal Kumar Sahoo

....

Opp.party

Mr. P.K. Mohanty, Addl. Standing Counsel

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO**

**ORDER (Oral)
31.10.2022**

Order No.

5. This matter is taken up through hybrid mode.

1. This petition alleges non compliance of the order dated 21.06.2017 passed by this Court disposing of W.P.(C) No.7696 of 2017. The operative portion of the order dated 21.06.2017 is quoted herein for reference :

“... .. this Court disposes of the writ petition with an observation that in case the petitioner files a representation before opposite party no.4 along with a copy of the writ petition and a certified copy of this order within a period of two weeks from today, the application of the petitioner shall be considered by the said authority within a period of six weeks from the date of its filing and the result thereof shall be communicated to the petitioner accordingly.”

2. Pursuant to the notice issued, the opposite party has filed his show cause dated 27.02.2018 stating that the escalation claim of the petitioner-Contractor was calculated by the Executive Engineer, Drainage Division, Khordha and the amount arrived at was sent

for further approval to the Superintending Engineer, Drainage Circle, Bhubaneswar which was resubmitted to the Chief Engineer, Drainage, Cuttack by the Superintending Engineer, Drainage Circle, Bhubaneswar.

3. Today, when the matter is taken up the learned Additional Standing Counsel, Mr. P.K. Mohanty produced letter no.1437 dated 22.09.2022 from the Executive Engineer, Drainage Division, Khordha addressed to Advocate General, Odisha indicating that the bill of Escalation for the work "*Storm Water drainage System of Drain-8 of Bhubaneswar city under JNNURM vide Agreement No.5-F2/2013-14*" was approved and the payments to the petitioner has been made through Cheque nos.1415 dated 02.06.2018 amounting Rs.52,33,495/, Cheque No.239306 dated 19.03.2019 amounting Rs.16,92,130.00, Cheque No.239307 dated 19.03.2019 amounting Rs.3,46,013/, Cheque No.239308 dated 19.03.2019 amounting Rs.4,43,223/- and Cheque No.9424 dated 30.05.2019 amounting Rs.29,80,107/- thereby the total amount paid to the petitioner towards escalation is Rs.1,06,94,968/-(Rupees one crore six lakhs ninety four thousand nine hundred sixty eight). The said communication is kept on record.

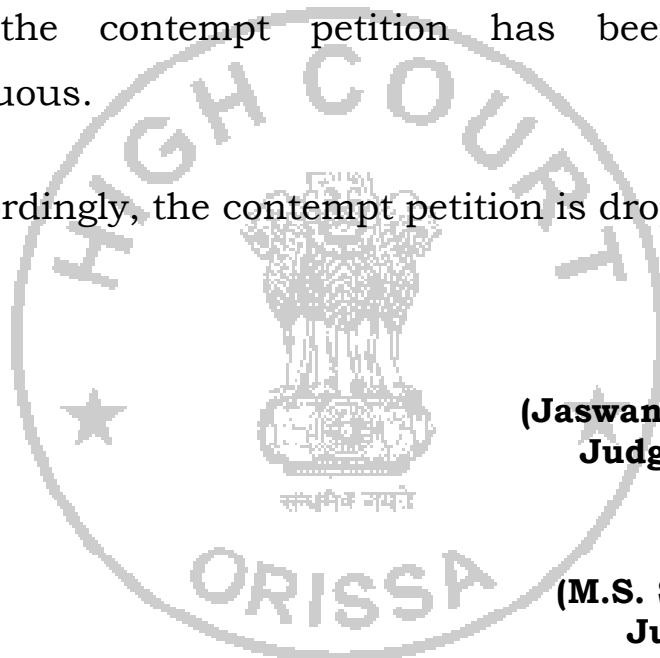
4. Learned counsel for the petitioner raises a further grievance that the amount would be more and,

therefore, the balance remains to be paid to the petitioner.

5. In considered view of this Court, such contention of the petitioner is beyond scope of the present contempt petition, after payment of Rs.1,06,94,968/- calculated as per the directions of this Court.

6. Accordingly, in view of the compliance of this Court's order dated 21.06.2017 passed in W.P.(C) No.7696 of 2017 the contempt petition has been rendered infructuous.

7. Accordingly, the contempt petition is dropped.



(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

October 31st 2022
Cuttack

Dutta/Gs