

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1128 of 2014

M/s. B.C. Behera and Anr.

....

Petitioners

Mr. Soumya Mishra, Adv.

-versus-

***Department of Water Resources
and Anr.***

....

Opp. Parties

Mr. P. Mohanty, AGA.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. PANIGRAHI

ORDER

11.01.2022

Order No.

06.

1. This matter is taken up through Video Conferencing mode.
2. None appears for the petitioners at the time of call.
3. Mr. P. Mohanty, learned Additional Government Advocate appearing for the opposite parties.
4. The petitioners have filed this writ petition to quash the letter dated 26.10.2009 under Annexure-10 and letter dated 13.12.2013 under Annexure-14 issued by the opposite parties and further seek to release the Performance Security and Security Deposit amounting to Rs.9,38,245/- in their favour together with the total amount payable to them as per the final bill.
5. Mr. P. Mohanty, learned Additional Government Advocate for the State contended that the claim of the petitioners cannot be sustained in the eye of law, in view of the fact that under the terms of the agreement, the action has been taken and, as such,

if the petitioners have any grievances, they have to invoke the Clause as mentioned in the agreement itself instead of approaching this Court by filing the present writ petition.

6. In view of the contentions raised by the learned Additional Government Advocate for the State, this Court disposes of the writ petition as infructuous, as the contract period has already been over. So far as other relief sought by the Petitioners is concerned, they may pursue their remedy before the appropriate forum, if so advised.

7. With the above liberty, this writ petition stands disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(Dr. B.R. Sarangi)
Judge

(S.K. Panigrahi)
Judge

BJ