

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7097 of 2020

***M/s.Vibgyor Structural
Constructions Pvt. Ltd.,
Sambalpur***

.....

Petitioner

Mr. P.C. Nayak, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

11.07.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel 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 direction to Opposite Party No.4-Executive Engineer, Bargarh (R&B) Division, Bargarh to consider its representation under Annexure-3 and release its balance outstanding dues within a stipulated period for the work "Improvement to Padampur-Patnagarh Road (MDR-36) from 15/0 to 19/0 and 21/0 to 36/0 Km under ACR" vide Agreement No.06F2 of 2005-06.

4. Mr. P.C. Nayak, learned counsel for the Petitioner contended that pursuant to notice, Opposite Parties have filed Counter Affidavit. In view of statement made in paragraph-6.1 of

the Counter Affidavit and the ratio decided by this Court in *All Orissa Contractor's Association, Bhubaneswar v. State of Odisha*, 2012 (II) OLR 586, direction may be issued to the opposite parties to consider the claim of the petitioner.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State Opposite Parties unequivocally stated that direction may be issued to the authority to consider the claim of the petitioner taking into consideration paragraph-6.1 of the Counter Affidavit read with the judgment of this Court in *All Orissa Contractor's Association, Bhubaneswar* (supra).

6. Considering the contentions raised by learned Counsel for the parties and after going through the records, this Court disposes of this writ petition with a direction to Opposite Party No.4 to consider the representation of the petitioner vide Annexure-3 and dispose of the same taking into consideration the averments made in paragraph-6.1 of the Counter affidavit and the ratio decided by this Court in *All Orissa Contractor's Association, Bhubaneswar* (supra) as expeditiously as possible preferably within a period of four months from the date of production/communication of this Order.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Alok

(V. NARASINGH)
JUDGE