

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 7233 of 2022

Swadhin Kumar Sahu

.....

Petitioner

Mr. Prabodh Ch. Nayak, Adv

Vs.

State of Odisha and Ors.

.....

Opposite parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

22.03.2022

Order No.

01.

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 for the State-Opposite Parties.

3. Petitioner in this writ petition seeks for a direction to the Opposite Party No.5-Executive Engineer, R.W. Division, Boudh to refund the enhanced royalty amount being deducted from his bill as per Odisha Minor Mineral Concession Rule for the work “Construction & Maintenance for five years of Rural Roads under PMGSY (ADB Rural Connectivity Investment Programme) for Package No.OR-06-ADB-15/T-II” in the district of Boudh vide agreement No. ADB/T-II/18/2014-15 within the stipulated period.

4. Learned counsel for the Petitioner submits that the present writ petition is covered as per the decision of this Court passed in W.P.(C) No.11830 of 2013 on 18th March 2015 in the case of *Akuli Charan Das v. State of Orissa and others and batch of cases*, 2006 (Supp.-II) OLR 672 and, as such, the present writ petition may be disposed of in terms of the said order.

5. Mr. P.P. Mohanty, learned Additional Government Advocate for the State -Opposite Parties does not oppose to the same.

6. In view of the above, the writ petition is disposed of in terms of the order dated 18th March 2015 passed in W.P.(C) No.11830 of 2013 and accordingly, we direct that in the event the Petitioner, with regard to the grievance made in this petition, files a comprehensive representation before appropriate authority attaching running account bills along with copy of this order annexing therewith the judgment of this Court dated 18th March 2015 passed in W.P.(C) No.11830 of 2013 and batch of cases and the decision in the case *Akuli Charan Das* (supra) within four weeks hence, the same shall be considered and decided by the authority concerned by a reasoned and speaking order as expeditiously as possible preferably within a period of four months from the date of filing of such representation.

7. It is further directed that in case the Petitioner is found to be entitled for 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 they may be undertaking if the Petitioner may opt for.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/Puspa

(SAVITRI RATHO)
JUDGE