

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8321 of 2022

M/s. KBM Construction, Puri

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Petitioner
Mr.S.K. Dalai, Adv.

Vs.

State of Orissa and Ors.

.....

Opposite parties
Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO

ORDER
13.04.2022

Order No.
02.

This matter is taken up through hybrid mode.

2. Heard Mr. S.K. Dalai, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate for the State-opposite parties.

3. The petitioner has filed this writ petition seeking for a direction to opposite parties to release the incentive/bonus amount with Final Bill for the work “Widening and strengthening of Kakatpur-Konark Road from 0/00 km. to 20/00 km. in the District of Puri under State Plan” forthwith in terms of contract and under the provisions of OPWD Code.

4. Mr. S.K. Dalai, learned counsel for the petitioner contended that the petitioner was allotted the aforesaid work pursuant to tender call notice issued by the authority. As such, it has completed the work early. Thereby, the petitioner is entitled to get bonus as per Clause 2.4 of the agreement itself as due and admissible in accordance with law.

5. Mr. P.P. Mohanty, learned Additional Government Advocate for the State-opposite parties contended that if the work has been completed before the time fixed as per terms of the agreement, the petitioner is entitled to get such benefit.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, for early completion of

work, condition provides in clause 2.4 of the agreement for extension of the benefit of bonus/incentive.

7. In that view of the matter, if the authorities are satisfied that the petitioner has completed work before the time fixed as per terms of the agreement, the bonus/incentive as per clause 2.4 of the agreement be extended to the petitioner as early as possible, preferably within a period of three months from the date of production/communication of the certified copy of this order.

8. With the above observation and direction, the writ petition is disposed of.

Issue urgent certified copy as per rules.



Alok/Puspa