

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 10191 of 2018

M/s. Rawani Construction

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Petitioner

Mr. G.M.Rath, Adv.

Vs.

***Odisha State Police Housing &
Welfare Corporation Limitd &
others***

.....

Opposite Parties

Mr.G.P.Dutta, Advocate (O.Ps.)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

28.09.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr.G.M.Rath, learned counsel for the petitioner and Mr.G.P.Dutta, learned counsel appearing for opposite parties.

3. The petitioner files this writ petition seeking direction to the opposite parties to grant incentive for early completion of the work, as per agreement dated 07.02.2013 under Annexure-1 and Office Memorandum dated 08.11.2013 under Annexure-3.

4. Mr.G.M.Rath, learned counsel for the petitioner contended that since the petitioner has completed the work early, it is entitled to get incentive, as per the agreement dated 07.02.2013 under Annexure-1 and Office Memorandum dated 08.11.2013 under Annexure-3.

5. Mr.G.P.Dutta, learned counsel appearing for opposite parties submits that as per agreement dated 07.02.2013 under Annexure-1 and Office Memorandum dated 08.11.2013 under Annexure-3, the petitioner has already been paid 2% incentive for early completion of work. But now the petitioner is claiming extra incentive, which is not permissible in terms of the agreement and

Office Memorandum issued by the authority.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner has already been paid 2% incentive for early completion of work, as per the agreement dated 07.02.2013 under Annexure-1 and Office Memorandum dated 08.11.2013 under Annexure-3. Therefore, the condition stipulated in the agreement has been complied with. If the petitioner is claiming for extra incentive, it is open to the petitioner to pursue its remedy before the appropriate forum in terms of the agreement/DTCN, which is applicable to the petitioner.

7. With the aforesaid observation, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

