

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 11359 of 2017

M/s Rajlaxmi Constructions Ltd.

.....

Petitioner

Mr. P.C. Nayak, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

18.02.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. Heard Mr. P.C. Nayak, learned counsel for the petitioner and learned State Counsel.

3. By means of these writ petition, the petitioner has challenged the office Memorandum dated 24.12.2012 issued by the Engineer-in-Chief-cum-Secretary to Government of Odisha, whereby the earlier departmental circular/ letter No. 5608 dated 03.04.2007 has been amended.

4. It is agreed by learned counsel for the parties that the issue involved in this case is analogous to one involved in W.P.(C) No. 330 of 2013 and batch, which have been allowed vide common order dated 25.04.2018 by this Court.

5. Therefore, in view of the detailed reasons stated in the order dated 25.04.2018 passed in W.P.(C) No. 330 of 2013 and batch, this writ petition stands disposed of in terms of the said order. The opposite parties are directed to issue a fresh circular with regard to price variation/escalation clause in the contract, keeping in view the direction given in the case of *All Odisha Contractors' Association*, 2012 (II) OLR 586. It is made clear that any

deduction made from the bills of the contractors or any payments made to the contractors in pursuance of the notification dated 24.12.2012 shall be refunded/adjusted by the opposite party-Department or the contractors, as the case may be.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

(V. NARASINGH)
JUDGE

