

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 17354 of 2022

***M/s Aditya Dev Infrastructure
Pvt. Ltd, BBSR***

.....

Petitioner

Mr. J. Pal, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

14.07.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. J.Pal, learned Counsel for the Petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate for the State.

3. The Petitioner has filed this Writ Petition challenging the notice of show cause dated 03.06.2022 under Annexure-9, by which it has been called upon to reply on failing of completion of bridge within the revised time schedule or else necessary penalty as deemed fit will be imposed against it as per the relevant Clauses of the Agreement.

4. Mr.J.Pal, learned Counsel for the Petitioner contended that since the Petitioner has to complete the work within the extended period, but due to various reasons including outbreak of COVID-19, the same could not be completed, for which he has been called upon to show cause vide Annexure-9, which is under challenge in the present Writ Petition.

5. Mr.P.P.Mohanty, learned Addl. Government Advocate

contended that pursuant to the second show cause notice, the Petitioner has submitted his representation on 10.6.2022 vide Annexure-10, which is pending consideration, but fact remains, to the show cause notice dated 03.06.2022 no reply has been submitted. He further contended that against notice of show cause no Writ Petition is maintainable. If the Petitioner has any grievance he has to bring the same to the notice of the Authority by filing the reply to the show cause and the Authority shall consider the same in accordance with law by giving opportunity of hearing to the Petitioner.

6. Having heard learned Counsel for both the Parties and after going through the record, it appears that the Petitioner has challenged the notice to show cause, for which this Court is not inclined to entertained the same. However, liberty is granted to the Petitioner to file his reply to the show cause before the Authority concerned within a period of seven days hence, so that the said Authority can consider the same in accordance with law by giving opportunity of hearing to the Petitioner, as early as possible. Needless to say that this Court has not expressed any opinion on the merits of the case.

7. With the above observation/direction the Writ Petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Arun/Banita

(S.K. MISHRA)
JUDGE