

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18614 of 2022

Sushant Kumar Sahu

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Petitioners

Mr. S. Agrawal, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S. K. MISHRA

ORDER

03.08.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. S. Agrawal, learned Counsel appearing for the Petitioner.

3. The Petitioner has filed this Writ Petition seeking direction to Opposite Party No.2 to dispose of his representation dated 15.06.2022 under Annexure-6 series within a stipulated.

4. Mr. S. Agrawal, learned Counsel appearing for the Petitioner, at the outset, contended that the Petitioner entered into an agreement for execution of the work “Construction of 3TPD Micro Composting Centre at Tarbha NAC” and he completed the said work. He further contended that after completion of the said work, the petitioner got part payment and for the balance amount, he has made representation. Therefore, he seeks for direction to the Opposite Parties to consider and dispose of his representation.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-Opposite Parties contended

that if the Petitioner has completed the work in question and he has been paid in part, it is incumbent upon the Authority to consider the representation of the Petitioner in accordance with law.

6. Considering the contentions raised by learned Counsel for the parties and after going through the records, it appears that the Petitioner has filed this Writ Petition seeking payment of balance dues, which is lying with Opposite Party No.5. The Petitioner has executed the work in terms of the Agreement and has received a part payment and for the balance amount he has filed representation dated 15.06.2022. Therefore, he seeks direction to the Authority to dispose of the said representation. As such, only after 42 days of filing of the representation, the Petitioner has approached this Court by filing this writ Petition on 25.07.2022. But fact remains, the Petitioner entered into an agreement to execute the work in question and for execution of the work he has received part payment. If any balance amount is due, it is open to the Petitioner to pursue his remedy before the appropriate forum in terms of the Agreement/DTCN, which is applicable to him.

7. With the above observation, the Writ Petition stands disposed of.

8. Issue urgent certified copy as per rules.

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(DR. B.R. SARANGI)
JUDGE

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(S. K. MISHRA)
JUDGE

