

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 20453 of 2022

Chandrakanta Sabat

.....

Petitioner

Mr. D.K.Mohapatra. Advocate.

Vs.

**Executive Engineer, Soro Electrical
Division (TPNODL) Soro, Balasore**

.....

Opposite Party

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

06.09.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. Deepak Kumar Mohapatra, learned counsel for the petitioner.
3. The petitioner has filed this writ petition seeking direction to the opposite party to release the pending bills to the tune of Rs.9,61,868/- with effect from 2006 in favour of the petitioner along with interest thereon.
4. Mr. Deepak Kumar Mohapatra, learned counsel for the petitioner contended that since the petitioner is entitled to get the amount in question for the work undertaken by him, has approached this Court by filing the present writ petition. It is also contended that though the documents available on record indicate approval of the amount, but the same has not been paid to the petitioner as yet, for which the present writ petition has been filed claiming such benefits.
5. Having heard learned counsel for the petitioner and after going through the records, this Court finds that the petitioner was engaged for electrification of 27 numbers of village, which was electrified by the authority concerned as per the sanction of APDRP scheme. The electrification of the village was done in the year 2005-06 and, as such, the petitioner had executed the work by providing expert labour team, where the department, i.e., NESCO (now TPNODL) was

providing all materials. It is contended that the petitioner had earlier approached this Court by filing W.P.(C) No. 12871 of 2010, which was disposed of, vide order dated 05.12.2013, with a direction to the opposite party to take a decision on the representation of the petitioner in accordance with law within a period of three months. As the said order was not complied with, the petitioner filed CONTC No. 1375 of 2014, wherein this Court, vide order dated 14.09.2015, called upon the opposite party to file show cause within three weeks. Since no show cause was filed, this Court directed to serve contempt petition copy upon the counsel appearing on behalf of the contemnor, who took ten days time to file counter affidavit. But on 25.06.2016 the contemnor filed reply affidavit in the contempt application taking some vague plea. The said contempt application was disposed of directing the contemnor to consider the grievance of the petitioner. Still then, since the amount was not paid, the petitioner filed another CONTC No. 1622 of 2018 and the Division Bench of this Court, vide order dated 19.08.2019, directed the contemnor to consider and dispose of the matter by a reasoned order by 21.08.2019 on appearance of the petitioner before him. In compliance of the said order, the petitioner appeared before the authority on the date fixed, but the opposite party did not consider the grievance of the petitioner. The case of the petitioner was not properly considered by the authority, rather manipulation was made by the authority and, as such, due to commission of forgery, an F.I.R. was lodged before the I.I.C., Soro against the contemnor. But pursuant to anticipatory bail granted by the learned Single Judge of this Court, the contemnor has been released on bail.

6. But fact remains, essentially the petitioner claims his outstanding dues remaining against the opposite party and, as such, the claim of the petitioner is of the year 2006. It appears that even

though the petitioner had approached this Court by filing the writ petition and thereafter contempt petition and also lodged F.I.R. against the contemnor, that has nothing to do in the present case, in view of the fact that the sole prayer of the petitioner is to release the pending bills to the tune of Rs.9,61,868/- w.e.f. 2006 along with interest. Since it is purely a money claim, which is arising out of a contract, this Court is not inclined to entertain this writ petition by extending the benefit to the petitioner, as claimed in the writ petition. However, if the petitioner is so advised, he may approach the appropriate forum ventilating his grievance, as has been raised in the present writ petition, in accordance with law.

5. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

