

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 21029 of 2022

Jayadev Padhi

.....

Petitioner

Mr. P.K. Das, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

09.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. P. Das, learned counsel for the petitioner and Mr. D. Nayak, learned Addl. Government Advocate for the State-Opposite Parties.

3. The petitioner has filed this writ petition seeking direction to the Opposite Parties to refund the royalty which was deducted from his bill for the work "Improvement to Service Road from Barada to Charampa N.H.-5 from RD 10.00 K.M. to 24.580 K.M. of Charampa Branch Canal under NABARD Assistance for the year 2016-17 in the district of Bhadrak" vide Agreement No.116 P1 of 2016-17, as at sl.no.2 of the description of items.

4. Mr. P. Das, learned counsel for the petitioner contended that the petitioner has filed this writ petition claiming for refund of royalty imposed on the petitioner.

5. Mr. D. Nayak, learned Addl. Government Advocate appearing for the State-Opposite Parties contended that refund of royalty cannot be adjudicated in the present writ petition. If the petitioner claims for refund of such benefit, he may approach the authority concerned in terms of the DTCN/Agreement, which is applicable to him.

6. Having heard learned counsel for the parties and after going

through the records, this Court is not inclined to issue any direction with regard to refund of the royalty to the petitioner. However, liberty is granted to petitioner to pursue his remedy before the appropriate forum in terms of the DTCN/Agreement, which is applicable to him in accordance with law.

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

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

