

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 23076 of 2022

Nirmal Chandra Rout

.....

Petitioner

*Mr. S.P. Mishra, Sr. Adv.
along with Mr. A.K. Dash, Adv.*

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

20.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.P. Mishra, learned Senior Counsel appearing along with Mr. A.K. Dash, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the letter dated 24.09.2021 issued by opposite party no.3 under Annexure-7 and to issue direction to opposite party no.3 to clear the bills towards the works undertaken under item nos.1 and 7 of BoQ respectively.

4. Mr. S.P. Mishra, learned Senior Counsel appearing along with Mr. A.K. Dash, learned counsel for the petitioner vehemently contended that the benefit which the petitioner claims in the writ petition should be extended within a stipulated time.

5. Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties disputed the contention raised by learned Senior Counsel appearing for the petitioner and contended that since there is disputed questions of fact involved in the writ petition, the same cannot be adjudicated by this Court.

6. Having heard learned counsel for the petitioner and after going through the records, this Court finds that since disputed questions of fact are involved in the writ petition, this Court is refrained from passing any order. However, it is open to the petitioner to pursue his remedy before the appropriate forum in terms of the DTCN/Agreement or by approaching the common law forum, if he is so advised.

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

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

