

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE

D.B.: HON'BLE MR. SHANTANU KEMKAR AND  
HON'BLE MR. S. C. SHARMA, JJ

WRIT PETITION NO. 6601 / 2010

M/s. RATANLAL SAMRATHMAL

Vs.

MUNICIPAL CORPORATION, RATLAM  
& ANOTHER

\* \* \* \* \*

ORDER  
( 29/6/2011)

PER S. C. SHARMA, J :-

The petitioner before this Court has filed this present writ petition being aggrieved by the order dt. 22/5/2010 issued by the Commissioner, Municipal Corporation, Ratlam by which the agreement for digging of 54 tube wells has been cancelled.

The contention of the petitioner is that a NIT was issued on 15/1/2010 for digging tube wells and the petitioner was awarded a work contract vide work order dt. 19/4/10. The contention of the petitioner is that the time period to complete the contract was 1 year and the respondents after

completion of few months only on 22/5/2010 have cancelled the contract. During the pendency of the present writ petition another NIT was issued and some other contractor has completed the work and now the respondent Municipal Corporation is taking steps to recover the excess expenditure incurred by the Council in the matter of digging of the bore wells. Learned counsel for the petitioner has fairly stated before this court that the matter be remanded back to the Corporation for passing a fresh order. This Court has carefully gone through the order passed by the Municipal Corporation and is of the considered opinion that the respondent Corporation has not heard the petitioner while demanding a sum of Rs.155935/- for the alleged loss caused to the Corporation as the work was later on completed at the risk and cost of the petitioner.

Resultantly without averting to the merits of the case, the matter is remanded back to the Municipal Corporation, Ratlam and the Commissioner, Municipal Corporation, Ratlam shall hear the matter afresh and pass a reasoned order taking into account all the grounds raised by the

petitioner. The petitioner shall be permitted to raise all grounds before the Commissioner, Municipal Corporation, Ratlam and the Commissioner, Municipal Corporation, Ratlam shall also grant an opportunity of hearing to the petitioner while passing a final order in the matter of recovery.

The aforesaid exercise of passing a fresh order be completed within a period of 2 months from the date of receipt of certified copy of this order.

With the aforesaid, this petition stands disposed of. No order as to costs.

(SHANTANU KEMKAR)  
J U D G E

(S. C. SHARMA)  
J U D G E