

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.A. No. 1 of 2020

Shri Khumanthem Khelendro Singh, aged about 48 years,
S/o Late Kh. Tombi Singh of Laingoubi Makha Leikai,
P.O. Moirang, P.S. Kumbi, Bishnupur District, Manipur, now
staying at Paona Bazar, Opposite to Indra Color, P.O. Imphal,
P.S. City, Imphal West District, Manipur – 795001.

Appellant

-Versus-

1. The State of Manipur, represented by the Commissioner (Works) Government of Manipur, Imphal.
2. The Chief Engineer, Public Works Department, (P.W.D.) Khuyathong, Imphal, Manipur.
3. The Superintending Engineer – I, PWD, Khuyathong, Imphal, Manipur.
4. The Executive Engineer, Tamenglong Division, PWD, Manipur.
5. The Section Officer, Sub-Division-V, Tamenglong Division, PWD, Manipur.
6. Shri Z. Kaigailungbou, 1st Class Contractor, resident of Langol Tarung, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE MV MURALIDARAN**

For the appellant : Mr. T. Rajendra, Advocate
For respondents No. 1-5 : Mr. RK Umakanta, Government Advocate
For respondent No. 6 : Mr. Kaminthang Khongsai
Date of Order : 29.07.2022

ORDER (ORAL)

Sanjay Kumar (C.J.):

[1] Unsuccessful before the learned Judge, the petitioner in W.P. (C) No. 248 of 2018 is in appeal against the judgment and order dated 05.11.2019 dismissing his case. The case of the appellant, a Contractor, was that the cancellation of the contract awarded to him under work order dated 30.03.2016, *vide* letter dated 27.12.2017 of the Executive Engineer, Tamenglong Division, PWD, Manipur, was illegal.

The learned Judge found no merit in his contentions and dismissed the writ petition. However, taking note of his submission that he had completed about 70% of the work in the first phase but was yet to be paid therefor, the learned Judge left it open to him to approach the appropriate forum for redressal of his grievance as regards such non-payment.

[2] This writ appeal was filed on 13.01.2020. While so, status report dated 09.05.2022 was filed by the Deputy Secretary (Works), Government of Manipur. It appears that the work relating to improvement of the road from Noney to Marangching, *viz.*, the work allotted to the appellant, was awarded under work order dated 28.02.2018 to respondent No.6 herein and 35% of the work stood completed by 29.03.2022. Copy of the Measurement Book in proof of such completion was also placed on record.

[3] In the light of this development, Mr. T. Rajendra, learned counsel for the appellant, would fairly state that there is no purpose served by the appellant pursuing this appeal at this stage so as to secure the contract for the work in question. He would, however, assert that the appellant is yet to be paid for the work executed by him in the first phase and that apart, his 'Security Deposit/ D-at-Call' has not been refunded till date.

[4] As the learned Judge deemed it appropriate to grant liberty to the appellant to approach the appropriate forum for redressal of his grievance in relation to non-payment of the amount for the work allegedly executed by him in the first phase, we reiterate and affirm that it would be open to the appellant to approach a competent forum for seeking payment of the amounts due to him, if any, in relation to the work allegedly executed by him in the first phase and also for the 'Security Deposit/D-at-Call', that may be refundable to him, in accordance with law.

W.A. No. 1 of 2020 is dismissed, subject to the above observations.

In the circumstances, there shall be no order as to costs.

JUDGE

CHIEF JUSTICE

Sandeep