

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.112/2023

Sri Utpal Datta

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. Raju Datta, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, G.A.,
Mr. K. De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

28/02/2023

Heard Mr. Raju Datta, learned counsel appearing for the petitioner. Also heard Mr. Debalay Bhattacharya, learned Government Advocate assisted by Mr. K. De, learned Addl. Government Advocate appearing for the respondents-State.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking a direction to the respondents to release the interest on the delayed payment of security deposit as also the outstanding amount of final bill.

3. Petitioner has prayed for the following reliefs:

"(i) It is, therefore, humbly prayed that Your Lordships would graciously be pleased to issue Rule upon the

Respondents to show cause as to why the Respondents should not transmit all records relating to the case of the Petitioner.

A N D

(ii) As to why a writ in the nature of mandamus should not be issued directing the State Respondents to implement the Judgment & Order (Oral) dated 23.03.2022 passed in WP(C) 759 of 2021, to release Rs.1,77,250/- as interest @ 7% per annum against the one-fourth of the security deposit i.e. Rs.3,16,519/- for the period from 06.05.2014 to 31.05.2022 and Rs.4,65,282/- as interest @ 7% per annum against the three-fourth of security deposit i.e. Rs.9,49,557/- for the period from 06.05.2015 to 31.05.2022.

A N D

(iii) As to why a writ in the nature of mandamus should not be issued directing the State Respondents to release remaining final bill amounting to Rs.1,57,000/- in favour of the petitioner along with interest @ 7% per annum till the date of payment and also directing the respondents to make payment of Rs.1,51,691/- as interest @ 7% per annum w.e.f. 05.05.2012 to 25.11.2022 against the final bill amounting to Rs.2,05,297/- which was paid by the respondents on 25.11.2022 in favour of the petitioner.

A N D

(iv) As to why such other order/orders should not be passed so as to give full relief to the Petitioner and, upon causes shown, to make the Rule absolute.”

4. Mr. Raju Datta, learned counsel appearing for the petitioner, contends that as per judgment and order dated 23.03.2022

passed by the learned Single Judge in WP(C) No.759 of 2021 direction was given to the respondents to make payment of Rs.3,63,697/- as final bill to the petitioner for the entrusted work, but vide memorandum dated 25.11.2022 an amount of Rs.2,05,297/- was released in favour of the petitioner. Accordingly, he prays for directing the respondents to release the outstanding amount of final bill along with 7% interest on the delayed payment.

On the other hand, Mr. Debalay Bhattacharya, learned Government Advocate appearing for the State respondents, in rebuttal, contends that the petitioner has an alternative remedy available under law and as such, this second round of litigation is not maintainable.

5. In view of submissions of learned counsel of both sides, this Court is of the considered opinion that the present writ petition is not maintainable since there is an alternative remedy available under law.

6. Accordingly, the writ petition stands dismissed being not maintainable, with liberty reserved to the petitioner to avail remedy in accordance with law.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak