

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No. 168 of 2023

- M/s Anil Buildcon (India) Private Limited (Cin-U45200 Ct2011 Ptc022277), 104, Lovina Courts, Mungeli Naka, Bilaspur, Chhattisgarh, Email Accbilaspur@Gmail.Com, Through Its Authorised Director Mr. Anil Kumar Verma S/o Late Jagdish Verma, Aged About 66 Years, R/o House No. 14/1152, Talapara Road, Vinoba Nagar, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Public Works Department, Mantralaya (New Secretary), Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
2. The Engineer In Chief Public Works Department, Nirman Bhawan, Sector 19, Atal Nagar, Nava Raipur District Raipur Chhattisgarh
3. The Executive Officer Public Works Department, Division No. 2, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner : Mr. Rajkamal Singh, Advocate (through video conferencing) with Mr. Suryapratap Yudhveer Singh, Advocate.

For Respondnet State : Mr. Raghvendra Pradhan, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

31/10/2023

1. Learned counsel for petitioner submits that the Department of Sports and Youth Welfare, Raipur, Chhattisgarh awarded the work of construction of Astroturf Hockey Ground at the State Sports Training Centre Outdoor Stadium Bahtarai, Bailaspur to the petitioner. Total value of the work was Rs.463.23 Lakhs. Petitioner successfully completed the work, however, during execution of said work, petitioner was directed to do some extra works, which were also completed by the petitioner and work completion certificate was also issued in favor of the petitioner on

20.9.2019. Though the maximum portion of the amount towards the works done by the petitioner is paid, however, the amount to the tune of Rs.58 Lakhs plus GST is not paid to the petitioner till date. Upon submission of various representations including reminder representations, respondent No.3 informed the petitioner that respondent No. 3 has taken steps for approval and sanction of the aforementioned amount from the Department of Sports and Youth Welfare, Raipur. It is the contention of learned counsel for petitioner that extra work amounting to Rs.58 lakhs done by the petitioner is not disputed by respondent No.3 at any point of time and therefore, respondent No.3 be directed to consider undisputed claim of the petitioner within specified time and pass speaking and reasoned order in that regard.

2. Learned State counsel submits that the respondents are, only executing department. The work was of the Department of Sports & Youth Welfare, Raipur. Respondents have floated tender, monitored the work and paid the amount which was sanctioned pursuant to the tender notification dated 16.1.2017. The amount which was sanctioned has already been paid to the petitioner. During execution of the work, the budgetary allocation crossed its limit and therefore, necessary administrative sanction is required which is pending before the concerned department, and as soon as budgetary sanction is received, the amount will be released in favor of the petitioner.
3. I have heard learned counsel for both the parties and perused the documents annexed with petition.

4. Respondents along with their reply have enclosed copy of the work completion certificate, which is dated 20.9.2019. From perusal of the said document, it is appearing that there is no objection with respect to the nature of award of the work which the petitioner has completed. Even with regard to the pleadings made in Para-12 of the writ petition, the respondents have not raised any objection to the quality and quantity of the work which the petitioner has completed, pursuant to the work awarded. On the contrary, it has been pleaded by respondents that while completing the work awarded to the petitioner, some extra work was also done and it has crossed the limit of the budgetary allocation for which the process is made for administrative sanction.
5. In view aforementioned facts and circumstances of case, in particularly the fact that tender was floated by the respondents and the work was done under the supervision and control of respondents, at this stage, this writ petition is disposed of directing respondents to consider claim of the petitioner in accordance with law and release undisputed amount, towards the work, subject matter of writ petition, expeditiously preferably within a period of four months from the date of receipt of the order.
6. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE