

(2021) 11 OHC CK 0013
In the Orissa High Court
Case No : CONTC No.812 Of 2021

Amita Choudhury

APPELLANT

Vs

Sreedhar Nayak And Others

RESPONDENT

Date of Decision : 02-11-2021

Acts Referred:

Citation : (2021) 11 OHC CK 0013

Hon'ble Judges : Jaswant Singh, J;S. K. Panigrahi, J

Bench : Division Bench

Advocate : S.Ch. Acharya, L. Samantaray

Final Decision : Disposed Of

Judgement

1. This case is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Government Advocate.
3. The petitioner had executed works "Construction of HL Bridge over river Mahendratana on Gosani Gurandi Lingipur Uppalada road" in the district of Gajapati. Since the escalation prices were not being paid for the work executed, he filed W.P.(C) No.22603/2019 before this Court. The same was disposed of vide order dated 10.12.2019 by directing the competent authority to decide the pending representation of the petitioner in the aforesaid regard within a period of 8 weeks from the date of receipt of certified copy of the order, in accordance with law.
4. Since within a stipulated time, the representation was not decided, the present contempt petition has been filed.
5. Upon notice, a reply by way of an affidavit dated 03.09.2021 of the Executive Engineer concerned has been filed. Paragraph 5 and 6 of the said affidavit read as under :

" 5. That, it is submitted that the Chief Engineer (Building & Bridges), Rural Works, Odisha vide letter No.20074, dtd.23.07.2021 requested the Executive Engineer for immediate disposal of the Escalation Bill (Annexure-F/1). Thereafter, this deponent vide Office Order No.2872, dtd.17.08.2021 passed the Order for payment of Rs.44,68,124/- towards escalation, different cost of cement, steel, bitumen, pipes, labour, POL, other materials and plant and machineries in favour of the petitioner (Annexure-G/1) Thereafter, vide letter No.2877, dtd.17.08.2021 and No.2925, dtd.23.08.2021 this deponent requested the Chief Engineer, Buildings and Bridges, Odisha for placement of the fund for necessary payment to the petitioner (Annexure-H/1) series). After receipt of the funds, the amount will be released in favour of the petitioner.

6. That, an I.A. No.12548/2021 has been filed in W.P.(C) No.22603/2019 seeking six months time to comply with the Order dated 10.12.2019 passed by this Hon'ble Court in W.P.(C) No.22603/2019. In view of the above, at least six months more time is required to make necessary Budgetary provisions for making payment to the petitioner."

6. Although in our view, the petitioner should have invoked the arbitration clause, however in deference to the orders passed by this Court, the department has been gracious enough to calculate the amounts due and willing to release the same within a period of six months from today.

7. In view of above, we find that the orders have been substantially complied with and we find no reason to pursue the present contempt petition.

8. The contempt petition is disposed of.