

(2022) 06 OHC CK 0017

In the Orissa High Court

Case No : Writ Petition (C) No. 14306 Of 2022

M/s. Naraindas Construction Pvt. Ltd

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 07-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0017

Hon'ble Judges : S.K. Sahoo, J;M.S Raman, J

Bench : Division Bench

Advocate : Sukanta Kumar Dalai, H.M. Dhal

Final Decision : Disposed Of

Judgement

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner as well as learned Additional Government Advocate for the State of Odisha.

The petitioner in this writ petition has challenged the order dated 17.03.2022 passed by the Engineer-in-Chief, World Bank Projects, Odisha for imposing penalty @ 0.25% on the petitioner over the balance work executed by him in respect of Construction of H.L. Bridge over River Chitrotpala on Pahana-Pandia-Patigada to connect Patkura-Garadpur road at 4.100 Km in the district of Kendrapara.

From the impugned order dated 17.03.2022 under Annexure-28, it appears that the Chief Engineer has observed that in view of No Claim Certificate and affidavit furnished by the concerned contractor, the Department will not be liable to pay any compensation or price escalation during the extended period on whatsoever the ground on which extension of time to complete the work is allowed. Learned counsel for the petitioner submits that in view of the settled position of law, the aforesaid order cannot be sustained in the eye of law and the petitioner intends

to make a representation to the Chief Engineer, World Bank Projects, Odisha-opposite party No.2 to consider the same.

In view of the same, learned counsel for the State has no objection to the same.

Considering the submissions made by the learned counsel for the respective parties and without going into the merits of the case, if the petitioner makes a representation in pursuance to Annexure-28 before Engineer-in-Chief, World Bank Projects, Odisha-Opposite Party No.2 within a period of two weeks hence, the same shall be considered in accordance with law giving an opportunity of hearing to the petitioner and the order passed thereon shall be communicated to the petitioner forthwith.

Till a decision is taken, no coercive action shall be taken against the petitioner.

With the aforesaid observation, this writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

.....