



CGHC010285992022



2026:CGHC:33785

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3847 of 2022

M/s D Dubey Borewells Through Its Director, Deepak Dubey S/o Shri Late Rajendra Dubey, Aged About 57 Years, Opposite Sunita Provision Store, Deorikhurd, Bilaspur, Chhattisgarh.

... Petitioner

versus

- 1** - State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Atal Nagar, Nawa Raipur, Chhattisgarh.
- 2** - Project Director District Rural Development Agency, (Drda), Gaurella Pendra Marwahi, District- Gaurela-Pendra-Marwahi, Chhattisgarh.
- 3** - Assistant Commissioner Tribal Development, Gaurela-Pendra-Marwahi, District- Gaurela-Pendra-Marwahi, Chhattisgarh.
- 4** - Sub Divisional Officer (Revenue) District- Gaurela-Pendra-Marwahi, Chhattisgarh.
- 5** - Chief Executive Officer Janpad Panchayat, Marwahi, District- Gaurela-Pendra-Marwahi, Chhattisgarh.
- 6** - Secretary Gram Panchayat, Semardari, Janpad Panchayat, Marwahi, District- Gaurella Pendra Marwahi, Chhattisgarh.
- 7** - Sarpanch Gram Panchayat, Semardari, District- Gaurela-Pendra-Marwahi, Chhattisgarh.

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Bhaskar Payashi, Advocate
For State	:	Dr. Arham Siddiqui, Panel Lawyer
For Respondents No.6 & 7	:	Mr. Harish Khuntiya, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

04.08.2026

- 1 By filing the present writ petition, the petitioner calls in question the inaction on the part of the respondent authorities in withholding the payment of the admitted bill amounting to ₹10,49,914/- towards the work of drilling borewells and providing and installing submersible power pumps in Gram Panchayat Semardarri, Block Marwahi, despite completion of the work, issuance of satisfaction certificate, approval of the bill by the competent authority, and repeated representations seeking release of the admitted dues.

The petitioner has prayed for following relief(s):-

“10.1 That, this Hon'ble Court be pleased to call the entire records pertaining to the case of the petitioner.

10.2 That, this Hon'ble Court be pleased to issue an appropriate writ, thereby directing the respondent authority to forthwith release the amount of Rs. 10,49,914/ in favor of the petitioner for provide and installation of submersible power pump, with interest @ 12% p.a. from the date of entitlement to its actual payment.

10.3 Any other relief/order which may be deemed fit and just in facts and circumstances of this case including award of cost of the petition may be given.”

- 2** Learned counsel for the petitioner submits that the petitioner had undertaken the work of drilling borewells and installation of submersible pumps pursuant to the directions issued by the concerned authorities. Upon completion of the work, the petitioner submitted his bills for payment; however, the same have not been cleared till date. It is further submitted that the Assistant Commissioner, Tribal Development Department, District Gaurella-Pendra-Marwahi, vide communication dated 19.07.2022, recommended to the Chief Executive Officer, Janpad Panchayat, Marwahi, District Gaurella-Pendra-Marwahi, for disbursement of the petitioner's admitted dues. Despite the said recommendation, the payment has not been released in favour of the petitioner.
- 3** Per contra, learned State counsel submits that, so far as the State Government is concerned, the requisite amount has already been released and made available to the concerned authority. It is submitted that the amount had earlier been withheld under the orders of the Assistant Commissioner, Tribal Development Department, but the State has since discharged its obligation by allocating the requisite funds.
- 4** Learned counsel appearing for respondents No.6 and 7 submits that the amount claimed by the petitioner is not an undisputed amount. Referring to the return filed on behalf of the said respondents, it is contended that no formal work order was issued in favour of the petitioner and, therefore, the work allegedly

executed by him does not entitle him to claim payment as a matter of right. However, learned counsel is unable to dispute that the petitioner had in fact executed the work of drilling borewells and installation of submersible pumps. It is also not disputed that the Assistant Commissioner, Tribal Development Department, after verification, issued the communication dated 19.07.2022 recommending release of the petitioner's dues.

- 5 Having heard learned counsel for the parties and upon consideration of the material available on record, this Court finds that the amount required for payment has already been allocated by the State Government. It is also evident that the Assistant Commissioner, Tribal Development Department, vide communication dated 19.07.2022, has recommended release of the petitioner's dues.
- 6 Accordingly, without expressing any opinion on the merits of the rival claims, the petitioner is directed to submit a fresh representation before the competent authority along with a certified copy of this order. Upon receipt of such representation, the competent authority/Gram Panchayat shall consider and decide the petitioner's claim by taking into consideration the recommendation dated 19.07.2022 issued by the Assistant Commissioner, Tribal Development Department, as well as the work order dated 10.05.2022 stated to have been issued in favour of M/s Om Sai Borewells, Gaurella-Pendra-Marwahi.

- 7** It is, however, observed that from a perusal of the recommendation made by the Assistant Commissioner, it does not appear that the authorities have examined whether the aforesaid work order had actually been executed by M/s Om Sai Borewells. The petitioner shall also place before the competent authority the completion/satisfaction certificate relied upon in the present writ petition. The competent authority shall examine all relevant documents, afford an opportunity of hearing to the concerned parties, and pass a reasoned order strictly in accordance with law within a period of 45 days from the date of receipt of the representation.
- 8** It is made clear that this Court has not expressed any opinion on the merits of the rival claims of the parties. The competent authority shall independently examine the petitioner's claim on the basis of the material available on record and pass an appropriate reasoned order strictly in accordance with law, uninfluenced by any observation made in the present order.
- 9** With the aforesaid observations and directions, the writ petition stands disposed of.

Sd/-

**(Amitendra Kishore Prasad)
Judge**