



2026:CGHC:9316



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 782 of 2026**

M/s Shishu Through Its Properitor Sarita Agrawal, Aged About 57 Years, W/o- Shri Naresh Agrawal, R/o Shri Ram Kripa, Pratap Chowk, Bilaspur, District- Bilaspur Chhattisgarh

... Petitioner**versus**

1 - State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare And Medical Education, Address- Block- M-3/28, 29 And 30, 3rd Floor, Mahanadi Bhavan, New Raipur, Atal Nagar, Raipur (C.G.)

2 - Director Health Services, Address- Directorate Health Services, First Floor, Swasthya Bhawan, Sector- 19, Nava Raipur, Atal Nagar, Chhattisgarh, Email Id- Cghealth706@Gmail.Com

3 - Chief Medical And Health Officer Bilaspur, District- Bilaspur (C.G.)

.. Respondents

For Petitioner	:	Mr. Aditya Agrwal, Advocate
For Respondents/State	:	Mr. Pranjal Shukla, Panel Lawyer

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**Order on Board****23.02.2026**

1. The Petitioner has filed this writ petition under Article 226 of the Constitution of India, seeking following reliefs:-

“10.1 That this Hon'ble Court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ, order or commands, commanding respondent No. 2 and 3 to decide the



representations and consider the representation of the petitioner (Annexure P/7) and release the amount of Rupees 1,58,68,200/- with immediate effect, if any further delay occurs, interest should also be paid.

10.2 Any other relief, as the Hon'ble Court deems it and proper looking to the facts and circumstances of the case, may also be granted."

2. Learned counsel for petitioner would submit that the petitioner has supplied goods as forming part in Annexure P-3/copy of the delivery challans and Annexure P-4/Copy of all the bills submitted by the petitioner firm to respondent No. 3/Chief Medical and Health Officer. Value of the goods as mentioned is Rs.1,58,68,200/- The goods were supplied in the year 2019 however, till date payment has not been received. The petitioner submitted a representation before respondent No.2 & 3 on 21.12.2020 (Annexure-P/7), however, till date no decision has been taken on pending representation, therefore, direction be issued to respondent No. 2/Director, Health Services and respondent No. 3/Chief Medical and Health Officer to consider the representation, pass appropriate orders and to release undisputed amount in favor of the petitioner at the earliest.

3. Learned State Counsel submits that as the petitioner is not pressing this petition on merits and only seeking direction to the authorities to consider and decide the representation, he is having no objection to the limited prayer. If the representation is still pending, it will be considered in accordance with law.

4. I have heard learned counsel for respective parties and also perused the documents enclosed along with this writ petition.

5. As per the submission made by counsel for the petitioner, based on the rate contract, the petitioner has supplied goods as forming part of Annexure



P-3 and further raised the bill Annexure P-4, however, till date the amount has not been disbursed in favor of the petitioner towards the value of the goods.

6. Hon'ble Supreme Court in the case of **ABL International Ltd. Vs. Export Credit Guarantee Corporation of India Ltd, (2004) 3 SCC 553**, has held as under:-

“10. It is clear from the above observations of this Court in the said case, though a writ was not issued on the facts of that case, this Court has held that on a given set of facts if a State acts in an arbitrary manner even in a matter of contract, by way of writ under Article 226 of the Constitution and the Court depending on facts of the said case is empowered to grant the relief. This judgment in K.N. Guruswamy V. State of Mysore [AIR 1954 SC 592 : (1955) 1 SCR 305] was followed subsequently by this court in the case of D.F.O. v. Ram Sanahi Singh [(1971) 3 SCC 864] wherein this Court held (SCC p. 865, para4)

“By that order he has deprived the respondent of a valuable right. We are unable to hold that merely because the source of the right which the respondent claims was initially in a contract, for obtaining relief against any arbitrary and unlawful action on the part of a public authority he must resort to a suit and not to a petition by way of a writ. In view of the judgment of this court in K.N. Guruswamy case [AIR 1954 SC 592 : (1955) 1 SCC 305] there can be no doubt that the petition was maintainable, even if the contract where the action challenged was of a public authority invested with statutory power.”

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23. It is clear from the above observations of this Court, once the State is a party of the contract, it has an obligation in law to act fairly, justly and reasonably which is the requirement of Article 14 of the Constitution of India. Therefore, if by the impugned repudiation of the claim of



2026:CGHC:9316

the appellants the first respondent as an instrumentality of the State has acted in contravention of the above said requirement of Article 14, then we have no hesitation in holding that a writ court can issue suitable directions to set right the arbitrary actions of the first respondent....”

7. In the aforementioned facts of the case and decision rendered by Hon’ble Supreme Court in the case of **ABL International Ltd. (supra)**, the writ petition, at this stage, is disposed of directing respondent No. 2 and 3 to decide the representation and claim of the petitioner as claimed in his representation (Annexure P-7) dated 21.12.2020 and to take decision in accordance with law expeditiously preferably within a further period of 8 weeks from the date of receipt of copy of this order.
8. With the aforementioned observation/direction, this writ petition is disposed of.
9. Pending interlocutory application(s), if any, stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge