



2026:CGHC:3174-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 6623 of 2025**

M/s Kunal Traders Through Its Proprietor Shri Vikas Agarwal S/o Late
 Shri Vedprakash Agarwal Aged 42 Years, R/o Basant Talkies Road
 Agrasen Chowk Ambikapur, District Sarguja Ambikapur Chhattisgarh

... Petitioner(s)**versus**

1. State of Chhattisgarh Through The Secretary, Department of Health And Family Welfare, Mahanadi Bhavan, Mantralaya, New Raipur Chhattisgarh
2. The Director Medical Education, Old Nurses Hostel, Dks Bhawan Campus Raipur Chhattisgarh
3. The Joint Director And Superintendent Government Medical College Affiliated Hospital Ambikapur District Sarguja Ambikapur Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ashutosh Shukla, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, Deputy Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Mr. Ashutosh Shukla, learned counsel for the petitioner. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State/respondents.
2. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs :-

“10.1 That the Hon’ble Court may kindly be pleased to issue a writ of mandamus directing respondents No. 2 and 3 to immediately release the 18% interest payment of rupees 20,76,743/- to the petitioner along with principle amount 2,59,487/- to the petitioner.

10.2 That the Hon’ble Court may kindly please direct the respondent to release the payment of rupees 3,73,813/- as 18% interest to the petitioner.

10.3 Any other relief which this Hon’ble Court may deem and proper in the present circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner Firm is engaged in the business of retail and wholesale of hardware, sanitary items, pipes, pumps, fittings, and other building materials. During the Financial Year 2019–2020, the petitioner executed a work order relating to the purchase and supply of sanitary work and other miscellaneous works for the Government Medical College, Ambikapur, District Sarguja,

Chhattisgarh, within the stipulated time period. He further submits that the petitioner duly raised bills for each and every work performed. The respondent authorities acknowledged the receipt of the said bills amounting to Rs. 20,76,743/-, which amount was eventually paid only after the petitioner was constrained to file WPC No. 2677/2023. However, the interest claimed by the petitioner at the rate of 18% on the delayed payment, as specifically prayed for in the said writ petition, has not been paid till date, despite the petitioner having submitted a representation on 27.01.2025 pursuant to the directions of this Hon'ble Court.

4. It is further contended by the learned counsel for the petitioner that the petitioner duly supplied all hardware, sanitary items, pipes, pumps, fittings, and other building materials within the stipulated time. While the principal amount was released after filing of the writ petition, this Hon'ble Court had directed the petitioner to move a representation before the concerned authorities for payment of interest. In compliance thereof, the petitioner submitted a representation on 27.01.2025; however, the respondent authorities have failed to take any action or release the interest amount till date. He also contended that the petitioner has made several oral as well as written representations before respondents No. 2 and 3, including a written representation dated 27.01.2025, yet the respondents have failed to release the interest amount payable to the petitioner, which is arbitrary, illegal, and violative of settled principles of law.

5. In view of the above, it is submitted that the petitioner is left with no alternative efficacious remedy except to approach this Hon'ble Court seeking appropriate directions for the release of its lawful and admitted dues.

6. On the other hand, learned State counsel opposes the submissions made by the learned counsel for the petitioner and submits that the writ petition as framed and filed are not maintainable as the disputed question of facts cannot be adjudicated in writ petition under Article 226 of the Constitution of India.

7. We have learned counsel for the parties, perused the impugned order and other documents appended with writ petitions.

8. It is settled law that the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India when it raises disputed question of facts.

9. The Hon'ble Supreme Court in the case of ***Chairman, Grid Corporation of Orissa Ltd. (GRIDCO) & Others v. Sukamani Das (Smt.) & Another***, reported in **(1999) 7 SCC 298** was dealing with the question of whether the High Court had made an error in entertaining a writ petition filed seeking compensation for the death of a person due to electrocution, which had allegedly been caused due to the negligence of the authorities. The Hon'ble Supreme Court in the said case observed as under:

“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were

not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that "admittedly/prima facie amounted to negligence on the part of the appellants". The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein.

The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995."

(emphasis supplied)

10. The aforesaid judgment has been relied/ reiterated by the Hon'ble Supreme Court in ***S.P.S. Rathore v. State of Haryana & Others***, reported in **(2005) 10 SCC 1** wherein it observed as follows:

"16. In Chairman, Grid Corpn. of Orissa Ltd. (Gridco) v. Sukamani Das [(1999) 7 SCC 298] the question which arose for consideration was, can the High Court under Article 226 of the Constitution award compensation for death caused due to electrocution on account of negligence, when the liability was emphatically denied on the ground that the death had not occurred as a result of negligence, but because of an act of God or of acts of some other persons. The Court held that it is the settled legal position that where disputed questions of facts are involved, a petition under Article 226 of the Constitution is not a proper remedy. Therefore, questions as to whether death occurred due to negligence or due to act of God or of some third person could not be decided properly on the basis of affidavits only, but should be decided by the civil court after appreciating the evidence adduced by the parties. In T.N. Electricity Board v. Sumathi [(2000) 4 SCC 543] it was held that when a disputed question of fact arises and there is clear denial of any tortious liability, remedy under Article 226 of the Constitution may not be proper. The Court carved out exception to this general rule by observing that, it should not be understood that in every case of tortious liability, recourse must be had

to a suit. When there is negligence on the face of it and infringement of Article 21 is there, it cannot be said that there will be any bar to proceed under Article 226 of the Constitution."

(emphasis supplied)

11. Similarly, the Hon'ble Supreme Court in ***Shubhas Jain v. Rajeshwari Shivam***, reported in **2021 SCC OnLine SC 562** has held as under:

"26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable."

12. Subsequently, in ***Union of India vs. Puna Hinda***, reported in **(2021) 10 SCC 690**, the Hon'ble Supreme Court has observed:

"24. Therefore, the dispute could not be raised by way of a writ petition on the disputed questions of fact. Though, the jurisdiction of the High Court is wide but in respect of pure contractual matters in the field of private law, having no statutory flavour, are better adjudicated upon by the forum agreed to by the parties. The dispute as to whether the amount is payable or not and/or how much amount is payable are disputed questions of facts. There is no admission on the part of the appellants to infer that the amount stands crystallised. Therefore, in the absence of any acceptance of joint survey report by the competent authority, no right would accrue to the writ petitioner only because measurements cannot be undertaken

after passage of time. Maybe, the resurvey cannot take place but the measurement books of the work executed from time to time would form a reasonable basis for assessing the amount due and payable to the writ petitioner, but such process could be undertaken only by the agreed forum i.e. arbitration and not by the writ court as it does not have the expertise in respect of measurements or construction of roads.”

13. Recently, the Hon'ble Supreme Court in the case of ***M.P. Power Management Co. Ltd. v. Sky Power Southeast Solar India (P) Ltd.***, reported in **(2023) 2 SCC 703**, while dealing with the issue of exercise of writ jurisdiction by a Court in matters arising out of a contract, has stated:

“82.7. The existence of an alternate remedy, is, undoubtedly, a matter to be borne in mind in declining relief in a writ petition in a contractual matter. Again, the question as to whether the writ petitioner must be told off the gates, would depend upon the nature of the claim and relief sought by the petitioner, the questions, which would have to be decided, and, most importantly, whether there are disputed questions of fact, resolution of which is necessary, as an indispensable prelude to the grant of the relief sought. Undoubtedly, while there is no prohibition, in the writ court even deciding disputed questions of fact, particularly when the dispute surrounds demystifying of documents only, the Court may relegate the party to the remedy by way of a civil suit.”
(emphasis supplied)

14. A reading of the aforesaid judgments makes it clear that it is well

settled proposition of law that when there are disputed question of facts involved in a case, the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India. It has been held that the remedy under Article 226 of the Constitution of India may not be proper.

15. In the present cases, the relief of compensations sought by the petitioner is contingent upon the resolution of the disputed question of facts raised, and these questions cannot be adjudicated under Article 226 of the Constitution of India. In view of the aforesaid, it would not be appropriate for this Court to entertain the present writ petitions as there are disputed questions of fact involved.

16. Considering the submissions advanced by learned counsel for the parties, further considering the disputed questions of fact involved in this writ petition, the reliefs sought by the petitioner and in view of law laid down by the Hon'ble Supreme Court in the above-stated judgments (supra), we do not find any good ground to entertain these writ petitions.

17. Accordingly, the present writ petitions being devoid of merit are liable to be and are hereby **dismissed**. However, liberty is reserved in favour of the petitioner to take recourse to other alternate remedies available to him under the law. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice