



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1727 of 2026

Barun Kumar Agrawal

....

Petitioner

Mr. Dakshyesh Darshan Naik, Advocate
on behalf of Mr. B. R. Nanda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Ms. Biswabara Dash, ASC

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

25.03.2026

Order No.

- 02.
1. The bill with regard to the escalation price during the execution of the tender work for construction and maintenance of Jamuli to Pipalpada via Dakelpada road under MMSY in the district of Kalahandi for the year 2017-18 remained pending before the authorities despite the same being raised strictly in terms and conditions of the contract.
 2. We invited the attention of learned Additional Standing Counsel (ASC), who took time on the earlier occasion to take instructions, and today, learned ASC submits that so far as the escalation bill is concerned, the same has already been disbursed and /or released to the petitioner. However, in course of the hearing, we



find that in terms of the contract, certain fraction of amount was deducted from the running bills submitted by the petitioner from time to time, which is required to be reimbursed on the satisfactory execution of the work. Since the work has already been completed and even, the bill for escalation price is also paid, we do not find any justification in withholding the amount, which was deducted while making the payment of the running bills.

3. Learned ASC fairly submits on instructions that a sum of Rs.24 lakhs and odd, which was deducted, shall be paid to the petitioner as there is no justification in withholding the said amount.

4. In view of the stand taken before this Court, the instant writ petition is disposed of, directing the opposite party No.5- Superintendent Engineer, Rural Works Division, Kesinga to release the said amount as indicated hereinabove in favour of the petitioner within two weeks from the date of communication of this order.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge