

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3636 of 2015

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M/s Maa Tara Construction through its Proprietor Ravindra Kumar Singh son of Late Ramakant Singh Resident of Village - Ahiyapur behind Sakuntala Cinema Hall, Police Station - Ahiyapur, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary, Building Construction Department, Bihar, Patna.
3. The Commissioner, Muzaffarpur.
4. The Chief Engineer, Building Division, North Bihar, Patna.
5. The District Magistrate, Muzaffarpur.
6. The Sub Divisional Officer, Tirhut Commissionary, Muzaffarpur.
7. The Executive Engineer, Building Division, Muzaffarpur.
8. The Assistant Engineer, Building Division, Muzaffarpur.
9. The Junior Engineer, Building Division, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : M/s Pancham lal Jaiswal, Raju Goswami and
Bhupendra Narain Yadav, Advocates

For the State : Mr. Sriram Krishna, AC to GP24

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-03-2015

I have heard learned counsel for the petitioner and the State.

In view of the nature of the order which is going to be passed in this case, the same is being considered and disposed of without waiting for filing of the counter affidavit.

The petitioner claims to have got a work order for development of Civil S.D.O. (West) Office Building and Campus at Muzaffarpur vide Annexure 1. He further claims to have completed the work to the satisfaction of the authorities in the year 2010 itself. However, out of the total due amount of Rs. 7,63,605, only a sum of Rs. 4,30,000/- has been paid and the rest amount of Rs. 3,33,605/- is

still due even though the petitioner approached the authority concerned several times for payment of the dues.

In above view of the matter, this writ application is being disposed of with a direction to the respondent no. 4, i.e., the Chief Engineer, Building Division, North Bihar, Patna, to examine the matter and take steps for payment of the admitted dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order. If the amount of the petitioner is not found to be admitted then the decision should be taken disclosing the ground and reasons denying the claim of the petitioner and the same should be communicated to him. It is further made clear that after issuing the work order and entering into the agreement and after completion of the work, non-availability of fund cannot form a ground for non-payment of the admitted dues. In such a situation, if the respondent no. 4 comes to the conclusion that the admitted dues of the petitioner have not been paid without any fault on his part and the same are not paid within the time frame given by this Court as above then it would carry simple interest at the rate of 10% per annum on unpaid amount to be calculated from the date the amount became due till the date of its final payment.

(Dr. Ravi Ranjan, J)

SC/-

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