

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.220 of 2014

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M/s R.M. Construction and Co. through its authorized Partner Manoj Kumar, Son Of Shri Radha Mohan Gupta, Resident of Mohalla- Kashipur (Opposite Circuit House), Town P.S. and District- Samastipur

.... Petitioner

Versus

1. The Union of India through the G.M., E.C. Railway, Hajipur Zonal Office, Hajipur, District- Vaishali
 2. The D.R.M., E.C. Railway, Samastipur
 3. The D.R.M. (Engineering) E.C. Railway, Samastipur
 4. The Sr. Divisional Engineer, Coordination, Samastipur
 5. The Divisional Engineer-III, Samastipur (DEN-III, SPJ)
 6. The Assistant Divisional Engineer, Samastipur (ADEN/SPJ)
 7. The Assistant Divisional Engineer, Darbhanga
 8. The Section Engineer (Works) Line, Samastipur
- All 2 to 7 at D.R.M. Office, E.C. Railway, Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate
For the Respondents : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-02-2015

Heard learned counsel for the petitioner and the respondents.

Petitioner seeks direction to the railway authorities to make payment of its final bill along with the amount withheld on account of non-finalization of the contract by way of performance guarantee amount, earnest money and security deposit etc.

It is submitted that the work was being done by the petitioner as per the satisfaction of the railway but for some reason,

that would emanate from Annexures- 3, 4 and 5, the railway authorities took a decision for closure of the contract on administrative side but, thereafter, they have not finalized the due of the petitioner as stated above. Petitioner had approached them by filing representation also, a copy of which has been appended as Annexure 7, and then a legal notice which is appended as Annexure 9 was sent in the year 2013 itself but nothing has been done by the railway authorities.

In above view of the matter, this writ application is being disposed of with a liberty granted to the petitioner to file a fresh representation before respondent no.3, the D.R.M. (Engineering) E.C. Railway, Samastipur along with a copy of this order. In such case, let the respondent no.3 take a final decision in the matter within a period of three months from the date of filing of such representation. If some amount is found legally due as per the claim of the petitioner or otherwise then that should be paid to the petitioner within a further period of two months. If petitioner's claim is rejected then the order should be a speaking one and should immediately be communicated to the petitioner.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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