

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18355 of 2009

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M/S Pahuja Stone Workschandwara, P.S-Town, Muzaffarpur (Bihar)
represented through Sri Lalchand Pahuja S/O Late Chiman Das R/O
Banaras Bank Chowk, Chandwara, P.S- Town, Distt- Muzaffarpur
..... Petitioner/s

Versus

1. The State of Bihar
2. The Engineer-In-Chief, Department of Public Works (Road), New Secretariate, Bihar, Patna
3. The Chief Engineer, Department of Public Works (Road), Road Circle, Darbhanga
4. The Superintending Engineer, Department of Public Works (Road Division), Darbhanga
5. The Executive Engineer, Department of Public Works (Road Division), Darbhanga
6. The Assistant Engineer, Department of Public Works (Road Division), Darbhanga

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishundeo Narayan, Sr. Advocate
Mr. Manoj Kumar Manoj, Advocate
Mr. Chandra Shekhar Jha, Advocate

For the Respondent/s : Mr. Dharendra Kumar, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 12-03-2015 In compliance of the order dated 24.02.2015, Sri Laxmi Narayan Das, the Engineer-in-Chief, Department of Road Construction, Government of Bihar, Patna (respondent no.2) as also Sri Om Prakash Gupta, the Executive Engineer, Department of Road Construction, Road Division, Darbhana (respondent no.5) are physically present before this Court.

Heard the parties.

The matter at issue is payment of contractual dues of the petitioner.

The claim of the petitioner has been disputed by the respondents by filing a counter affidavit as also the show cause, wherein it has been stated that the entire admitted dues of the

petitioner has been paid as per the agreement and some amount has been withheld as per clause 2 of the conditions of contract.

In view of the disputed question of fact with respect to contractual dues, the relief sought for on behalf of the petitioner cannot be granted in the present proceeding. Accordingly, the writ petition is dismissed.

However, the petitioner shall be at liberty to approach the appropriate Forum/Court to get his claim adjudicated in accordance with law.

If any petition is filed before the appropriate Forum/Court and it is found that it has become barred by limitation, then the appropriate Forum/Court shall take into consideration that on a bona fide legal advice, the present writ petition was filed on 22.12.2009 and that remained pending before this Court till date.

(Birendra Prasad Verma, J)

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