

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14203 of 2015

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Smeatons Project Private Ltd. Goriya Toli, Station Road, Patna - 800001 through its Project In-Charge.

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Rural Development, Government of India, New Delhi.
2. The Secretary, Ministry of Rural Development, Government of India, New Delhi.
3. The National Rural Roads Development Agency, Under Ministry of Rural Development, Government of India, New Delhi
4. The Director, Projects - III, National Rural Roads Development Agency, New Delhi.
5. The State of Bihar through the Principal Secretary, Department of Rural Works, Government of Bihar, Patna.
6. The Principal Secretary, Department of Rural Works, Government of Bihar, Patna.
7. The Bihar Rural Road Development Agency, Ministry of Rural Works Department, Government of Bihar, Patna, through its Secretary.
8. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
9. The Superintending Engineer, Rural Works Department, Works Circle, Muzaffarpur.
10. Executive Engineer, Works Division, Rural Works Department Hajipur, District - Vaishali.
11. The Assistant Engineer, Works Sub-Division, Rural Works Department, Mahua District - Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Narain, Sr. Advocate
Mr. Rabi Bhushan Prasad No. 1, Advocate
For the State : Mr. Utsav Kumar, AC to GA 11
For the Union of India: Dr. Punam Kumari Singh, C.G.C

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-11-2015

Heard learned senior counsel for the petitioner and learned

Counsel for the State.

2. The present writ petition has been filed for a direction
to the respondents to make payment of the amount claimed by the

petitioner to be due to him pursuant to work having been completed in terms of the work awarded in favour of the petitioner.

3. It is submitted on behalf of the petitioner that despite being entitled to the amount as claimed by the petitioner, only partial payment has been made, leaving a considerable amount of Rs.68.457 lakhs outstanding to be paid. Satisfactory completion of work is not in dispute in view of the various letters of the authorities in that regard. It is also submitted that various amounts by way of earnest money and security deposits are also lying with the respondents which are liable to be refunded to the petitioner with interest.

4. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting it liberty to approach the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (Respondent No. 8) with a fresh representation for redressal of its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues

calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

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