

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3073 of 2012

=====

Sadanand Singh Construction, Pvt. Ltd, through its Director Sadanand Singh S/o Late Medni Singh at Village- Dharahara, P.S- Dharhara, District- Munger.

.... Petitioner/s

Versus

1. The National Building Construction Corporation through Sri Bishnudeo Prasad Das S/o not known, Chairman-cum-Managing Director, the National Building Construction Corporation Limited (N.B.C.C), a Government of India Enterprises N.B.C.C. Bhawan, Lodhi Road, New Delhi- 110003.
2. Sri A.K. Bishwas S/o not known at present posted as the Deputy General Manager, N.B.C.C. Ltd (PMGSY), Zonal Office, Maurya Complex, Maurya Tower, P.S.-Kotwali, District-Patna-800001.
3. Sri A.K. Bishwas S/o not known at present posted as the Additional General Manager, N.B.C.C. Ltd., In-charge Lakhisarai, (PMGSY Work), Head-SBG (Bihar) Zonal Office, Maurya Complex, Maurya Tower, P.S.-Kotwali, District-Patna-800001.
4. Sri P.K. Shaha S/o not known at present posted as the Project Manager, Pul, N.B.C.C. Ltd., (PMGSY Work), Camp Lakhisarai, Ladhisarai through G.M. NBCC Ltd., Zonal Office, Maurya Complex, Maurya Tower, P.S.-Kotwali, District-Patna-800001.
5. Sri S.K. Kharab S/o not known at present posted as the Sr. General Manager, N.B.C.C. Ltd. In-charge Lakhisarai, (PMGSY Work), Head-SBG (Bihar) Zonal Office, Maurya Complex, Maurya Tower, P.S.-Kotwali, District-Patna-800001.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. UMESH PRASAD SINGH

For the Respondent/s : Mr. SATISH KUMAR SINHA

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-09-2015

Heard learned counsel for the petitioner and learned counsel for the N.B.C.C.

It is third round of litigation in between the parties. It appears that at the earliest, the petitioner had moved before this Court in CWJC No. 10983 of 2009 which was disposed of, vide order dated 1st September 2009, there the Court has passed the following order:-



“After hearing the learned counsel for the parties writ application is disposed of with direction that the petitioner would file fresh representation before the General Manager, N.B.C.C., Bhawan, who will dispose of the same by speaking order within a period of six weeks from the date of receipt of the same. Furthermore the respondents concerned would make up to date measurement of the work done and finalise the bill in accordance with law within a period of six weeks from date of receipt of a copy of this order.”

Again when the order was not complied with, a fresh application vide CWJC No. 14104 of 2011, was filed there the Court has passed the following order:-

“In the said circumstances the aforesaid impugned order cannot be held to be legal and proper and it is accordingly quashed. This writ petition is disposed of with a direction to the Senior General Manager, National Buildings Construction Corporation Ltd., Patna to get up-to-date measurement of the work done by the petitioner after on-the-spot verification in presence of the petitioner after giving at least one week’s prior notice to him. The said measurement must be completed and report submitted within six weeks from the date of receipt/production of a copy of this order. On the basis of the aforesaid measurement the said Senior General Manager shall finalise the bill in accordance

with law and pass a fresh reasoned order specifically in accordance with law as this Court has not expressed its view with respect to the question of fact involved in the instant case.”

When the aforesaid order was not complied with, the present contempt application has been filed. It moved a long distance and ultimately the Senior General Manager has come to sense, conducted the spot verification in presence of the petitioner, recorded the measurement and thereafter, prepared the bill. The joint measurement was done on 29th July 2015 and a reasoned order has been passed on 01/09/2015 where it has been recorded that on account of some deficiency in work which was found during joint measurement, the petitioner is not entitled to any payment.

The grievance of the petitioner is that though the joint measurement was done while passing a reasoned order annexing the details but has not provided the Joint Measurement Report bears the signature of both parties.

The merit cannot be gone into in the present proceeding rather it can only be examined in an appropriate proceeding at appropriate forum, in an appropriate manner.

This Court does not find any purpose to keep the matter pending. It appears that opposite parties have complied the order passed by this Court, in such view of the matter, this petition is

no longer relevant to proceed with, but the N.B.C.C. is directed to provide the authenticated copy of Joint Measurement Report to the petitioner so that he can decide the next future course of action on the basis of materials supplied to them. The Joint Measurement Report must be handed over to the petitioner within two weeks from to-day.

Accordingly, this application is dismissed with the aforesaid direction.

(Shivaji Pandey, J)

Mahesh/-

U			
---	--	--	--