

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14712 of 2011

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M/S Debashree Constructions (India) Pvt. Ltd., a Company Incorporated under the Indian Companies Act, 1956 having its Office at New Area, Maharajganj Road, Aurangabad, Bihar through its Managing Director Smt. Geeta Singh, W/O Sri Kaushal Kumar Singh, R/O New Area, Maharajganj Road, P.S.- Town Thana Aurangabad, Distt.- Aurangabad, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway Wing, Road Construction Department, Government of Bihar, Patna.
5. The Executive Engineer, National Highway Division, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RAJ KISHORE PRASAD, Advocate

For the Respondent/s : Mr. TEJ BAHADUR SINGH AAG7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-10-2015

Heard learned counsel for the petitioner.

2. The present writ petition has been filed for a direction to the respondents to make payment of admitted amount of dues to the tune of Rs. 5,28,067/- for the works executed by the petitioner of National Highway No. 98 in between Kilometer 89 to 127.520 under agreement No. 29 F2/2005-06 along with reasonable interest.

3. It is submitted on behalf of the petitioner that an amount of Rs. 5,28,067/- is payable to the petitioner as already admitted by the respondents in terms of the order dated 28.04.2009 passed by the Executive Engineer, N.H. Division, Aurangabad. Such order was passed

after considering the show cause of the petitioner filed pursuant to the order dated 09.02.2007 passed by this Court in CWJC No. 8811 of 2006.

4. Despite opportunity granted to the respondents by order dated 28.11.2011, no counter affidavit has been filed till date. None has also appeared to represent the respondents when the matter is called today.

5. Having heard learned counsel for the petitioner and on consideration of the materials on record, this Court directs the Respondent No. 5, the Executive Engineer, N.H. Division, Aurangabad to ensure payment of the admitted amount of Rs. 5,28,067/- to the petitioner within a period of twelve weeks from the date of receipt/production of a copy of this judgment together with 9% simple interest thereon reckoned from 28.04.2009 when the order was passed by the Executive Engineer as aforesaid.

6. The writ petition stands allowed.

(Vikash Jain, J)

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