

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1515 of 2014

IN

Civil Writ Jurisdiction Case No. 2929 of 2009

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Saroj Kumar, son of Ram Vinod Chaudhary, resident of village- Kharauna Jairam,
P.O- Kharauna, Dih, P.S- Kurhani, District- Muzaffarpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Shree Navin Kumar, the Chief Engineer, P.W.D. Building Construction, Patna.
3. Ravinesh Kumar, the Executive Engineer, Building Division, Muzaffarpur.
4. Srinivas Singh, the Superintending Engineer, Building Circle, Muzaffarpur.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Kailash Nath Diwakar, Advocate.

For the State : Mr. Kamal Kumar Sinha, AC to AAG-II.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 10-02-2015

The present contempt application has been filed asserting the non compliance of the order dated 25.01.2011 passed in C.W.J.C. No.2929 of 2009, whereby the aforesaid writ application filed on behalf of the petitioner was disposed of with a direction to the Executive Engineer, Building Division, Muzaffarpur (opposite party no.3) to pay the entire admitted amount due to the petitioner within three months from the date of receipt/production of a copy this order with further observation that if any amount or interest is not admitted by the authority, he shall pass a speaking order within the aforesaid period and the petitioner will be at liberty to challenge the same

before an appropriate forum.

2. Due to non compliance of the aforesaid order dated 25.01.2011 passed in C.W.J.C. No.2929 of 2009, the petitioner again filed C.W.J.C. No.6607 of 2013 for payment of certain amount of interest which has been admitted by the respondents/opposite parties. The said writ application was dismissed vide order dated 21.02.2014 with an observation that it is not open to the petitioner to again approach this Court when there is no fresh cause of action. If at all, it may be a case of invoking contempt jurisdiction of this Court if the order of this Court has not been complied with.

3. Learned counsel for the State submits that in compliance of the order dated 25.01.2011 passed in C.W.J.C. No.2929 of 2009, Rs.98,778/- has been paid to the petitioner in respect to the bill submitted by him after deducting Rs.472/- due to non completing the work within time and the petitioner was also informed the reasons about the non payment of the interest on the said amount, which is also detailed in paragraphs-2, 3 and 4 to the show cause filed on behalf of the opposite party no.2, the Chief Engineer, P.W.D., Building Construction, Patna.

4. Learned counsel for the petitioner submits that since the amount of the bill has not been paid to the petitioner within time, therefore, the petitioner is entitled for the interest on the said amount.

5. Since there is no direction in the order dated 25.01.2011 passed in C.W.J.C. No.2929 of 2009, which is under contempt, for the payment of interest, I find no reason to proceed with the present contempt application as the order under contempt has been complied. Accordingly, this contempt application is disposed of. However, if the petitioner is aggrieved, he would be at liberty to take legal recourse for redressal of his grievance in accordance with law.

(Rajendra Kumar Mishra, J)

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