

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24507 of 2013

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M/S Star Construction Through Its Proprietor Parwez Ahmad Khan Son of Haseen Ahmad Khan Resident of Mohalla - Balua Tal, PS - Motihari Town, District - Motihari

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction Government of Bihar, Patna
2. The Engineer in Chief, Department of Road Construction, Government of Bihar, Patna
3. The Chief Engineer, N.H. Circle Muzaffarpur
4. The Superintending Engineer, N.H. Circle Muzaffarpur
5. The Executive Engineer, N.H. Division, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Md. Khurshid Alam, Advocate

For the Respondents: Mr. Subhash Pd. Singh, GA 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the petitioner and learned counsel for the State.

2. This writ petition has been filed for various reliefs such as a direction to the respondents to shift the work extension period from 28.02.2011 to 23.06.2010 and return 1/2 % deducted amount as compensation and 10% deducted amount from the bill due to late execution of work.

3. Learned counsel for the petitioner, however, filed a mentioning slip for taking up the matter out-of-turn confining the prayer only for payment of the admitted dues by the respondents.

4. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Chief Engineer, N.H. Circle (Respondent No.3) with a fresh representation, who will examine the matter and take steps for payment of the admitted dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the admitted amount is not paid to the petitioner within such period then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the entire claim of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

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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