

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2677 of 2015

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Ram Pravesh Singh Construction Pvt. Ltd. through its Managing Director, Ram Pravesh Singh Son of Late Mukhram Singh resident of village Shahpur Misrauli, P.s. Indrapuri (Nawadih,), District Rohtas, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Birpur, , Bihar.
3. The Superintending Engineer, Barrage Division, Birpur, District Supaul, Bihar.
4. The Executive Engineer, Head Works Division, Birpur, District Supaul , Bihar.
5. The Sub Divisional Officer, Barrage Sub Division, Bhim Nagar, District Supaul, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan, Advocate
For the State : Dr. Abdus Shakoor, A.C. to G.P.29

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-02-2015

I have heard learned counsel for the petitioner and the State.

Petitioner seeks payment of the admitted dues of Rs.28,97,180/- along with the statutory rate of interest in connection with the concluded work of Vent Clearance in Tunnels of Silt Excluders in Kosi Barrage under the Barrage Sub Division Bhim Nagar, District Supaul, Bihar.

Petitioner claims that, on reaching an agreement, the petitioner and the respondent No. 4 signed a contract on 3.1.2009. The agreement value was Rs.68,62,006/- and the date of completion was

31.1.2009. Petitioner claims to have commenced the work on 3.1.2009 and has completed it. It is submitted that a certificate to that effect was also issued by the Engineer in charge on 30.05.2009 certifying such completion of work and no dues against the petitioner. The total cost of the work done by the petitioner came to the tune of Rs.88,87,148/-.

However, in view of the rate offered by the petitioner and other factors the petitioner became entitled for receiving payment of Rs.75,74,075/- out of which an amount of a sum of Rs.46,56,895/- was paid to the petitioner on 24.03.2009 and an entry to that effect was also made in the relevant record. Since thereafter, the petitioner is persuading the authorities for payment of the rest of the due amount which comes to the tune of Rs.28,97,180/- but, even after certain queries having been raised and answered by the petitioner, the said admitted dues are not being paid.

In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no.2, i.e. the Chief Engineer, Water Resources Department, Birpur, Bihar, who shall examine the matter and consider the claim of the petitioner within 4 weeks from the date of filing of a representation by the petitioner. If it is found that the admitted dues of the petitioner are not being paid without any valid reason, he would take expeditious

steps for payment of the same preferably within a further period of three months. However, it is made clear that this order has been passed on the pretext that admitted dues are not being paid but this Court has not formed any opinion with respect to the relevant facts which would be required to be considered by the authority concerned. If the dues are found to be admitted to be paid but are not paid within the aforesaid period then that would carry simple interest also at the rate of 10% over the unpaid amount. However, in case it is found that petitioner's claim is not correct or only part of it is correct then a reasoned order should be passed and communicated to the petitioner.

(Dr. Ravi Ranjan, J)

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