

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9827 of 2010

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M/S Saraswati Company through Vijay Kumar (Partner), S/O Late Jado Lal Sah, R/O Vill.- Husani, P.S.- Dumariaghat, Distt.- East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar through Secretary to the Government Building Construction Department, Vishwasraiya Bhawan, Baily Road, Patna
2. The Engineer-In-Chief, Bihar Building Construction Department, Visheshwairya Bhawan, Bailey Road, Patna
3. The Chief Engineer Building Construction Department, North Bihar, Patna
4. The Superintending Engineer Building Construction Department, Bettiah, West Champaran
5. The Executive Engineer Building Construction Division, Bettiah, P.S. - Bettiah, Distt.- West Champaran
6. The Junior Engineer Building Sub Division, Bettiah
7. The District Magistrate, West Champaran at Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Nath Mishra
For the Respondent/s : Mr. Anjani Kumar, AAG-6
Mr.Sanjay Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 19-03-2015 Heard.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to pay Rs.2,14,700/- to the petitioner for the construction of Helipad on the occasion of visit of Hon'ble the Chief Minister of Bihar.

Learned counsel appearing on behalf of the petitioner submits that the petitioner had completed the specified works within the specified period of time, yet payment has not been made by the respondents.

A counter affidavit was filed on behalf of the

respondents way back on 23rd February, 2011 and in paragraph 6 of the aforesaid counter affidavit claims raised on behalf of the petitioner has been admitted. It has been stated therein that the respondent Executive Engineer has made a requisition for allotment of fund and the moment the fund is released, the payment of admitted dues of the petitioner shall be made to him.

Learned AC to AAG-6 appearing on behalf of the respondents submits that today itself he had a talk with the respondent no.4 on telephone and he has informed him that the payment has not been made to the petitioner till date. However, the respondent no.4 has assured the learned State counsel that now payment of admitted dues shall be made within four weeks.

In view of the fair stand taken by the learned State counsel and in view of the fact that the claim of the petitioner of contractual dues has been admitted in the counter affidavit filed on behalf of the respondents, the respondents particularly respondent no.5 are directed to make payment of the admitted contractual dues of the petitioner within a maximum period of one month from the date of receipt/production of a copy of the present order.

The present writ petition stands finally disposed of with the directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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