

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.653 of 2010

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M/S Ajoy Engicon (P)Ltd., through its Managing Director, Mathura Prasad Singh, S/O Late Indradeo Singh, having its Registered Office at Harihar Singh Road, Morabadi, P.S.- Bariatu, Distt.- Ranchi (Jharkhand) and at Present Budha Marg, P.S.- Kotwali, Distt.- Patna (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Water Resources Deptt. having its office Situated at 'Shichai Bhawan', Harding Road, P.S.- Sachivalaya, Distt.- Patna
2. The Chief Engineer, Planning & Monitoring, Water Resources Deptt., Patna
3. The Superintendent Engineer, Sone High Level Canal Division, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Bhaskar Shankar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 09-02-2015 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition.

The matter at issue is the payment of the contractual dues of the petitioner with respect to certain works assigned to him.

Learned AC to GP-16 appearing on behalf of the respondents, by referring to the averments made in paragraph nos.4 and 5 of the counter affidavit filed on behalf of the respondent nos.4, 5 and 6, submits that the contractual dues are not admitted by the respondents, rather the petitioner has not completed the works as per the stipulation in the agreement. Therefore, the payments have not been made.

In view of the dispute raised by the respondents regarding contractual dues of the petitioner, writ cannot be issued to the respondents on the basis of the present proceeding.

However, the petitioner shall be at liberty to approach the Civil Court of competent jurisdiction for getting his claim adjudicated and for grant of an appropriate relief.

In the result, the writ petition has to fail and is, accordingly, dismissed, but with the observations made above.

(Birendra Prasad Verma, J)

Arvind/-

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