

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22169 of 2014

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Pramod Kumar Verma son of Late Parasnath Verma resident of Mohalla -
infront of P.H.E.D. colony, Aurangabad, P.S. - Aurangabad and District -
Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Public Health Engineering Development, Government of Bihar, Patna.
2. The Engineer-in-Chief, Department of Public Health Engineering Development, Government of Bihar, Patna.
3. The Chief Engineer - Public Health Engineering Development Division, Jehanabad.
4. The Executive Engineer, Public Health Engineering Development Division, Jehanabad.
5. The Sub Divisional Officer, Public Health Engineering Development Division, Jehanabad.
6. The Junior Engineer, Public Health Engineering Development Sub Division, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 13-07-2015 Heard.

The petitioner having claimed to have executed the work assigned to him under the agreement no. F2/3 of 2013-14 and the work order dated 25.04.2013 issued thereagainst has prayed for a direction for payment of the bill which remains outstanding with the respondents.

A counter affidavit has been filed on behalf of respondent nos. 3 to 4. No rejoinder thereto has been filed by the petitioner.

Learned AC to AAG 2 drawing attention of the Court to diverse paragraphs of the counter affidavit has submitted that the petitioner during the course of execution of work submitted six bills for a total sum of Rs. 36,85,674/- which, on verification, was found payable and the said amount has already been disbursed/paid in favour of the petitioner. It is stated that the work has not till been completed although in this regard the petitioner has already been served notices several time to complete the work. A dispute appears to have arisen between the parties with regard to remaining work and the dues.

Considering the above, this Court is not inclined to invoke the writ jurisdiction for payment of the remaining dues under the said agreement. The application is dismissed.

Dismissal of the application shall however not preclude the petitioner from raising a claim for payment of the remaining dues under the contract if the work is completed in accordance with law.

(Kishore Kumar Mandal, J)

HR/-

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