

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4208 of 2015

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Sadanand Singh Construction Pvt. Ltd. through its Director Sadanand Singh, son of Late Medni Singh, resident of village and P.O. Dharhara, District- Munger.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineering, Rural Works Department, Work Circle, Bhagalpur.
5. The Executive Engineer, Rural Works Department, Work Division, Munger.

.... Respondents

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Appearance:

For the Petitioner : Mr. Ajit Kumar Singh, Advocate

For the Respondents : Mr. Shailendra Kumar Jha, AC to AAG13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-09-2015

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

2. A rejoinder has been filed on behalf of the petitioner which clarifies that causes of action in CWJC No. 2994 of 2014 as well as Reference Case No. 54 of 2014 (incorrectly stated as Reference Case No. 24 of 2014 in the counter affidavit) are different from that of the present writ petition. The record of CWJC No. 2994 of 2014 was also called for and examined, which discloses that the said writ petition involves a challenge to the office letter No. 11369(Anu) dated 04.10.2013 by which the petitioner had been debarred from participating in future

tenders. Reference Case No. 54 of 2014 is said to be in connection with the claim for payment at enhanced rate of materials as well as carriage charges etc.

3. The present writ petition on the other hand, has been filed for payment of admitted dues to the petitioner in connection with construction and maintenance work done by it in relation to Agreement No. 16 SBD/2009-10. There has thus been no suppression of fact with regard to the petitioner having approached this Court on any earlier occasion for the same relief.

4. It is submitted on behalf of the petitioner that the admitted dues of Rs.3,77,996/- from the running bills as also the security deposit amount of Rs.3,95,000/- are outstanding and for which the petitioner has filed his representation before the Respondent No. 5 which is said to be pending.

5. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent of the parties, with a direction to the Respondent No. 5 to examine the matter and take steps for payment of the outstanding amount of the admitted dues and the security deposit amount of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. If the outstanding amount is admitted but not paid to the petitioner within the said period, then he 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 remaining claim of the petitioner is not found admitted, then he should be communicated the reasons for reaching such conclusion.

(Vikash Jain, J)

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