

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2278 of 2014

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Hari Shankar Prasad, Son of Late Sudesh Prasad Resident of Village - Jadaichak,
Police Station - Meenapur, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Building Construction Division, Bihar, Patna
2. The Secretary, Building Construction Division, Bihar, Patna
3. The Chief Engineer, North Bihar (Sub - Division), Bihar, Patna
4. The Superintending Engineer, Building Circle, Muzaffarpur
5. The Executive Engineer, Building Division, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Advocate

For the Respondent/s : Mr. M.K.Upadhyay, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-09-2015

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

2. This writ petition has been filed for a direction to the respondents to pay the outstanding dues to the petitioner claimed at Rs. 40,00,000/- along with interest thereon towards the bills raised by it on account of work done under agreement arising out of Agreement No. 34 F2 2011-12 dated 02.08.2011 for the work in the R.B.T.S.H. College campus in 48 bedded Hospital building installation, sanitary work and water supply work at Muzaffarpur, at the rates approved by the respondents.

3. It is submitted on behalf of the petitioner that the works had been done for the period 2010-11 in respect of which bills were raised, out of which

partial payment has been made, leaving an outstanding amount of Rs. 40,00,000/- to be paid to the petitioner together with interest claimed thereon.

4. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Chief Engineer, North Bihar (Sub-division), Bihar, Patna (Respondent No. 3) with a fresh representation, who will examine the matter and take steps for payment of the outstanding dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the outstanding amount is not paid to the petitioner within such period then it 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 entire claim of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

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