

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.439 of 2015

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1. M/s Rajesh Kumar, through its proprietor Rajesh Kumar, son of Late Dulari Singh, Resident of Rajendra Nagar, Road No. 13C, P.S.-Bahadurpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Public Health Works Department, Govt. of Bihar
2. Superintending Engineer, P.H. Division, Madhubani
3. Executive Engineer, P.H. Division, Madhubani

.... Respondents

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Appearance :

For the Petitioners : Mr. Suryakant Kumar

For the Respondents : Mr. Sc21- Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 14-07-2015 Heard learned counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of the concerned respondent.

The petitioner having worked and executed the contract assigned to him submitted the bills for payment and also for release of security deposit. Only part payment of the legal dues was made. The present writ petition has therefore been filed for payment of the admissible dues of the petitioner.

In the counter affidavit a stand has been taken that the legal admissible dues for the work actually completed by the

petitioner have already been made. So far as the T.D. money in the sum of Rs.3,05,000/- is concerned necessary communication has already been issued to the post office for release of the amount in favour of the petitioner . As about payment of security deposit in the sum of Rs. 2,93,420/- is concerned, it has been submitted that two cheques in the name of the petitioner both dated 6.2.2015 amounting to Rs. 2,56,676/- and 36,744/- respectively have been forwarded to the Treasury for payment.

On going through the pleadings, it appears that the respondents have not admitted the entire dues as claimed by the petitioner. Learned counsel for the petitioner has contended that the petitioner be granted liberty either to invoke the arbitration clause of the agreement or to seek appropriate remedy before the Court of competent jurisdiction.

The application is dismissed but the with the aforesaid liberty.

(Kishore Kumar Mandal, J)

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