

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18406 of 2015

=====

M/s S. & P Infrastructure Developers Pvt. Ltd. a registered company having its registered office at N 07, New Delhi House, 27, Barkhamba Road, New Delhi 110001 through its authorized representative Sri Shatrudhan Mishra, S/o Late Mr. Ambika Mishra resident of House No. 29, Village Bhuhulwa Deeh, Post-Jharmahui, District- West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Govt. of Bihar, Patna
2. The Engineer in Chief, Department of Road Construction, Govt. of Bihar, Patna
3. The Chief Engineer, Department of Road Construction (NH Wing), Bihar, Patna
4. The Superintending Engineer, Department of Road Construction (NH Wing), Bhagalpur
5. The Executive Engineer, Department of Road Construction, N.H. Division, Bhagalpur
6. The Assistant Engineer, Department of Road Construction, N.H. Division, Bhagalpur.
7. The Junior Engineer, Department of Road Construction, N.H. Division, Bhagalpur
8. The Union of India through the Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi
9. The Regional Officer, Ministry of Road Transport and Highways, Govt. of India, Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Gautam Kumar Kejriwal, Advocate
For the Union of India: Mr.A.B.Mathur, CGC
For the Respondents : Mr. Nadeem Seraj- GP20

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-12-2015

1. The present writ petition has been filed for payment of the bill for a sum of Rs. 20,11,021/- and for seeking other reliefs such as payment of cost escalation bill for a sum of Rs. 68,01,027.17; payment of balance claim made by the petitioner for a sum of Rs. 4.56 crores as damage, interest etc; foreclosure of the agreement; release

of security amount etc.

2. Learned counsel for the petitioner has filed a mentioning slip for priority listing of the matter, confining his prayer only for payment of admitted dues by the respondents.

3. It is submitted that the petitioner has performed some work pursuant to the agreement bearing No. 03 SBD (M)/12-13 relating to widening and strengthening of road crust in KM 167 to 180 at NH 80, Bhagalpur. Finding it difficult to proceed further, the petitioner represented before the Executive Engineer, Department of Road Construction, N.H. Division, Bhagalpur (Respondent No. 5) for foreclosure of the agreement, but despite recommendation by various authorities, the matter still remains pending with the Central Government.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter, this writ petition is disposed of granting liberty to the petitioner to approach the Executive Engineer, Department of Road Construction, N.H. Division, Bhagalpur (Respondent No. 5) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple

interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

6. It is expected that the matter of foreclosure of the agreement said to be pending before the Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi (Respondent No. 8) will be considered and disposed of by him expeditiously.

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

(Vikash Jain, J)

Chandran

U			
---	--	--	--