

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5783 of 2014

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M/S B.K. Enterprises Through Its Managing Partner Bipin Kumar Son Of Late
Ganpat Chaudhary Resident Of Dhanupura (Ara) P.S. Ara, District - Bhojpur At
Ara

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Building
Construction Department, Government Of Bihar, Patna
2. The Engineer - In - Chief, Department of Building Construction Department,
Government of Bihar, Patna
3. The Chief Engineer, Department Of Building Construction, Patna
4. The Superintendent Engineer, Building Construction Circle, Ara
5. The Executive Engineer, Building Construction Division, Ara

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SHIVENDRA PRASAD, ADVOCATE

For the Respondent/s : Mr. A.KUMAR, SC11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-01-2016

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

2. The present writ petition has been filed for a
direction to the respondents to make payment of the amount
claimed by the petitioner to be due to him pursuant to work
having been completed in terms of the work awarded in favour of
the petitioner.

3. It is submitted on behalf of the petitioner
that despite having completed the work, only partial payment of



Rs. 40,00,000/- out of the total bill amount of Rs. 65,24,000/- has been made. As a matter of fact, such completion of work has even been acknowledged by the Executive Engineer, Building Construction Division, Buxar in his letter dated 04.08.2012 (Annexure-4) requesting for release of fund for making payment of the remaining amount. Further a reminder has also been issued by his letter dated 15.06.2013 (Annexure-7).

4. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Executive Engineer, Building Construction Division, Ara (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.

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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