

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21103 of 2014

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Panchanand Pandey, Son of Late Akhileshwar Pandey, Resident of Bank Colony,
Adampur, P.S - Adampur, District - Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in-Chief, P.H.E.D., New Secretariat, Patna.
3. The Chief Engineer, P.H.E.D, Bhagalpur Zone.
4. The Superintending Engineer, P.H.E.D. Circle, Bhagalpur
5. The Executive Engineer, P.H.E.D Division (West) Bhagalpur.
6. The Sub Divisional Officer, P.H.E.D, Sub Division Sultanganj, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwary, Advocate

For the Respondents: Mr. Purnendu Singh, GP 27

Mr. Sanjay Kr. Tiwari, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-02-2016

The present writ petition has been filed for a direction to the respondent-authorities to pay due amount of Rs. 8,99,127 (Rupees eight lacs ninety nine thousand one hundred twenty seven) only for the work of earth filling with boundary wall which was done in addition to Agreement by the order of the competent authorities at the bank of river Ganga at Sultanganj, started in pursuant to Agreement No. F2-11/2009-10, to construct 6 cremation platform with shed etc. and direction to pay 12% interest on delay payment of the dues of the petitioner.

2. It is submitted on behalf of the petitioner that even though the petitioner has received payment to the extent of work done under the Agreement, an amount of Rs. 8,99,127/- for the

additional work done has not been received.

3. 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, P.H.E.D Division (West) 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.

4. 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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