

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16339 of 2015

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Lord Vishnu Construction Pvt. Ltd. through its Director Rama Kant Singh, S/o Late Ram Khelawan Singh, resident of 101, Lotus Apartment, New Patliputra Colony, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Railway Board through its Chairman, Baroda House, New Delhi.
3. The General Manager, East Central Railway, Hajipur.
4. The Chief Administrative Officer, South (Construction), East Central Railway, Mahendrughat, Patna.
5. The Chief Engineer, South (Construction), East Central Railway, Mahendrughat, Patna.
6. The Deputy Chief Engineer, (Construction), East Central Railway, Danapur (Patna Gaya Section).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-03-2016

Heard learned counsel for the parties.

The petitioner has moved the Court for a direction to the respondents to pay the admitted dues pursuant to him having completed the work in question and his final bill also prepared by the respondents themselves.

Learned counsel for the petitioner submits that for no justifiable or valid reason, the final bill submitted by him for the work for which measurement was done on 15.05.2014, the respondents have also prepared his 17th and final bill dated 31.03.2015, copy of which has been made Annexure-2 to the writ

application. It is submitted that the respondents be directed to pay the same as more than six years have passed since completion of the work.

Learned counsel for the respondents submits that he may be given time to file counter affidavit. However, he is not in a position to dispute Annexure-2, which is the documents of the respondents themselves.

At this stage, learned counsel for the petitioner voluntarily submits that whatever the respondents admit, that should be paid. In view of the fair stand taken by learned counsel for the petitioner and the order the Court proposes to pass, it does not find that any useful purpose would be served to adjourn the matter for filing counter affidavit.

In the opinion of the Court, the respondents cannot sit on the admitted legal dues of the petitioner and that too for such a long period and he is suffering loss for no fault on his part. Accordingly, the writ petition stands disposed off with a direction to the respondents to ensure that the admitted dues of the petitioner with regard to bill dated 31.03.2015 is paid to him within two months from the date of production of a copy of this order before the respondent no. 5. If any dispute arises with regard to any amount, a reasoned order shall be passed within the same period and communicated to the petitioner to enable him to take steps in accordance with law before the appropriate forum.

The Court makes it clear that the order is passed

on the presumption that the bill dated 31.03.2015, copy of which is made Annexure-2 is still the admitted position between the parties without having been interfered with or modified in accordance with law.

(Ahsanuddin Amanullah, J.)

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