

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21559 of 2014

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Kanta Prasad Singh son of Late Lakhi Narayan Singh, Resident of village - Monra,
P.S. Giddhour, District - Jamui

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Minor Water Resources Department,
Govt. of Bihar, Patna
2. The Director, Ground Water Investigation, Minor Water Resources Department,
Bihar, Patna
3. The Dy. Director, Ground Water Investigation Division Minor Irrigation,
Bhagalpur
4. The Chief Engineer, Minor Water Resources Department, Bhagalpur
5. The Superintending Engineer, Bhagalpur Circle, Minor Water Resources
Department, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh

For the Respondents: Mr. Md. Obaidullah, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-02-2016

As prayed, learned counsel for the petitioner is permitted to implead the Chief Engineer, Minor Water Resources Department, Bhagalpur and the Superintending Engineer, Bhagalpur Circle, Minor Water Resources Department, Bhagalpur as respondent nos. 4 and 5 respectively in course of the day.

2. The present writ petition has been filed for direction to the respondents for final payment of the difference amount towards carriage charges as well as of the security and earnest amounts along with statutory interest to petitioner.

3. Pursuant to the tender notice, the petitioner was



awarded work in terms of Agreement No. 1F2/2011-12 and Agreement No. 2F2/2011-12 for “Construction of Sub Surface Dam for Artificial Recharge of Ground Water on different Nalas and Rivers in Jamui district under Central Sector Scheme” and “Construction of Sub Surface Dam for Artificial Recharge of Ground Water on different Nalas and River in Munger District under control Sector Scheme”.

4. Learned counsel for the petitioner submits that boulder and stone chips had to be carried from a greater distance of 80 to 95 kilometers from Sheikpura mines as no mines were available in Jamui and Munger Districts between 21 and 15 kilometers as contemplated in the respective agreements. The petitioner, therefore, claims to have raised difference of carriage charges in respect of the boulders and chips for which representations have been filed before the respondents and are still pending.

5. Learned counsel for the respondents, on the other hand, submits that the petitioner cannot claim difference of carriage charges beyond the terms of the agreements between the parties and SBD Clause.

6. Having regard to the nature of the grievance of the petitioner, the writ petition stands disposed of with a liberty to him to file a fresh representation before the newly added respondent no. 4,

Chief Engineer, Minor Water Resources Department, Bhagalpur, and if any such representation is filed within a period of two weeks from today, the same shall be considered on its own merit and disposed of in accordance with law after grant of opportunity of hearing to the petitioner within a further period of eight weeks. In case any amount is found due to the petitioner, steps should be taken for expeditious payment thereof.

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)

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