

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 123 of 2015

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M/s Raj Laxami Construction Company through proprietor's Ram Murat Singh S/o Late Ram Lal Singh resident of village- Gajroth Gura Kshani Sasaram, P.S.- Sasaram, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar at Patna.
2. The Director Bihar Public Works Department.
3. The Executive Engineer Rural Work Department Sasaram.
4. The D.D.C. Rohtas at Sasaram.
5. The Sub Divisional Officer Sasaram.
6. The District Panchayati Raj Officer Nagar Panchayat Nokha

.... 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: 04-02-2016

Heard learned counsel for the parties.

Supplementary counter affidavit has been filed on behalf of respondent no. 3 and supplementary affidavit has also been filed on behalf of the petitioner.

It appears that pursuant to the order dated 22.01.2016, measurement has again been done with regard to the work done by the petitioner in his presence and the authorities have arrived at the conclusion that for the work done by the petitioner, he has already been paid. The petitioner submits that once in the year 2011, the work was done and measurement also made by the Competent Authority and payment not made only due to lack of funds, there cannot be any question of re-measurement since the same work had been re-done by other

contractors also.

Having considered the rival contentions, the Court is not in a position to adjudicate on facts as to whether the petitioner had completed the work as per the original measurement in the year 2011 or the measurement done on 25.01.2016.

Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the Bihar Public Works Contract Disputes Arbitration Tribunal for settling the dispute with regard to the work actually completed by the petitioner. If such a petition is filed before the Tribunal within one month from today along with a copy of this order, the same shall be disposed off expeditiously after giving full opportunity to the petitioner to produce all materials available with him including the measurement done in the year 2011.

(Ahsanuddin Amanullah, J.)

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