

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4778 of 2013

=====

Awadhesh Kumar Singh Son of Late Ram Bashik Singh, Proprietor of M/S
Awadhesh Kumar Singh, 303, Adharshila Commercial Complex, South Gandhi
Maidan, Patna - 800001, presently residing in Village - Sirsi, Post Office - Sirsi
Dihra, Police Station - Harnaut, District - Nalanda, Pin Code - 803110

.... Petitioner

Versus

1. The Hindustan Steel Works Construction Limited, through its Chief Project
Manager at Unit - Land Development Bank Building, 3rd Floor, Budh Marg,
Patna -800001
2. The Assistant General Manager, Hindustan Steel Works Construction
Limited, its Registered Office - P-34 A. Gariahat Road (South) Kolkata, 700031,
Unit Land Development Bank Building, at 3rd Floor, Budh Marg, Patna -800001
3. The Chairman-Cum-Managing Director, Hindustan Steel Works Construction
Limited, Corporate Office, 5/I, Commissariate Road, (Hasting) Kolkata -
700022
4. Sri Umesh Prasad, Manager (Civil), Hindustan Steel Works Construction Ltd.
Patna, Unit Land Development Bank Building 3rd Floor, Budh Marg, Patna -
800001
5. The Deputy Chief Engineer-II, E.C.R. - Digha, Patna

.... Respondents

=====

Appearance:

For the Petitioner : Mr. S.R.C. Pandey, Advocate
Mr. Raj Nanadan Prasad Singh, Advocate
Mr. Amit Anand, Advocate

For the HSWCL : Mr. Manish Kumar, Advocate

For the Railways : Mr. Siddhartha Prasad, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-10-2016

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

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 tender awarded in favour of the petitioner.

3. It is submitted on behalf of the petitioner that despite being entitled to the amount as claimed by the petitioner, only partial payment has been made, but however, the amount of security and earnest money has been withheld and for which a representation dated 22.11.2012 has been filed before the Assistant General Manager, Hindustan Steel Works Construction Limited, having its registered office at P-34 A-Gariaghat Road(South), Kolkata 700001, Unit Land Development Bank Building, 3rd Floor, Budh Marg, Patna – 800001 (Respondent No. 2), which remained pending.

4. Having regard to the nature of the grievance of the petitioner the writ petition is disposed of with a direction to the Assistant General Manager, Hindustan Steel Works Construction Limited, having its registered office at P-34 A-Gariaghat Road(South), Kolkata 700001, Unit Land Development Bank Building, 3rd Floor, Budh Marg, Patna 800001 (Respondent No. 2), to consider the aforesaid representation of the petitioner dated 22.12.2012, if still pending, and dispose of the same after granting an opportunity of being heard to the petitioner in accordance with law, within a period of eight weeks from the date of receipt/production of a copy of this judgment, ensuring payment to the extent found due to the petitioner. 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.10.2016
Transmission Date	N.A.