

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17224 of 2013

=====

Social Science and Rural Development Institute, Nawadah through its Secretary
Dr. Arun Prasad Singh son of Shyamdeo Singh, registered office Mohalla New
Area Yamuna Path, Nawadah, P.O. P.S and District- Nawadah.

.... Petitioner

Versus

1. The State of Bihar through Secretary P.H.E.D. Bihar, Patna.
2. The Deputy Development Commissioner- Cum- Chairman, District Water and Sanitation Committee, Nawdah.
3. The Executive Engineer, P.H.E.D. Cum Secretary, District Water and Sanitation, Committee, Nawadah.
4. The Assistant Engineer, P.H.E.D., Nawadah.
5. The Junior Engineer, P.H.E.D. Nawadah.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr. Anil Kr Uapdhyay

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for a direction
to the respondent-authorities for making payment of the petitioner's
bill amounting to Rs. 4,64,935/- in respect of work claimed to have
been executed by the petitioner together with interest for the delay in
such payment.

3. According to the petitioner, the work of low cost
laboratories was executed by the petitioner and 131 units of
laboratories were constructed in different panchayat under the



complete Sanitation Mission/Lohia Sanitation Scheme/Programme under the rules and guidelines of Rajiv Gandhi National Water Supply Mission. The petitioner accordingly raised bills aggregating to Rs. 4,64,935/- against the work claimed to have been executed by it. Despite considerable time having elapsed, no payment was received from the respondents.

4. A counter affidavit has been filed on behalf of the respondents according to which the bills of the petitioner were examined by the S.D.O., Public Health Sub Division, Nawadah who submitted a detailed report dated 15.6.2013 wherein it has been stated that the toilets constructed by the petitioner remained incomplete and not a single toilet was fit to be utilized by the beneficiaries.

5. Having heard the parties and on consideration of the materials on record, it is evident that the fact of execution of work by the petitioner as well as the claim for payment for such work has been seriously disputed by the respondents.

6. In that view of the matter, this Court is not inclined to enter into the merits of the claims of the petitioner. The writ petition is accordingly dismissed with liberty to the petitioner to approach the Deputy Development Commissioner-cum-Chairman (Respondent no. 2) by filing a fresh representation for redressal of his grievances. If any such representation is filed within a period of two

weeks from today, the same may be disposed of on its own merits and without being influenced by any observation in the present judgment.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-07.2016
Transmission Date	N/A