

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5539 of 2017

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M/s Rama Construction through its Partner Sri Angesh Kumar Son of Late S.P. Singh, Resident of Village- Aunta, Police Station- Hathidah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in- Chief, Public Health Engineering Department, Government of Bihar, Patna.
3. Superintending Engineering, Public Health Engineering Department, Begusarai.
4. Chief Engineering, Public Health Engineering Department, Begusarai.
5. Sub-Divisional Officer, Public Health Engineering Department, Manjhaul, District- Begusarai.
6. Executive Engineering, Public Health Engineering Department, Begusarai.
7. Junior Engineering, Public Health Engineering Department, Manjhaul, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Respondent/s : Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-05-2017

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

In the present case, the petitioner is challenging the order dated 3.6.2016 contained in Memo No. 579 passed by the Executive Engineer, PHED, Begusarai, whereby and whereunder, he has directed for recovery of Rs. 8,79,388/- from the petitioner.

Learned counsel for the petitioner submits that the petitioner was selected as Contractor, he entered into the agreement bearing Agreement No. F2-13/2009-10 and executed the work in terms of specification, whereafter, he has claimed the amount of Rs.



2,25,110/- and, for that, he has approached this Court in CWJC No. 2033 of 2014 and this Court, vide order dated 8.12.2015, directed for payment of the admitted dues. The matter was referred to the Executive Engineer, PHED, Begusarai who has passed order against the petitioner, instead of making payment, passed an order for recovery.

Learned counsel for the petitioner submits that the same Executive Engineer had earlier recommended for payment which is admitted dues of Rs. 2,25,110/- and, after remand, he has taken a somersault, a direction be given for payment of the said amount. Learned counsel for the petitioner further submits that even after passing the impugned order, the Executive Engineer has recommended for making payment of the admitted dues.

All these are disputed questions, cannot be looked into in the writ jurisdiction. The petitioner, if so advised, may approach to the Bihar Public Works Contract Dispute Arbitration Tribunal.

With the aforementioned observation, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.05.2017
Transmission Date	NA

