

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3076 of 2015

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Anil Kumar Mandal, son of Late Deodhar Mandal, Resident of Mohalla- Rajni Chowk, Om Sweets, Bhatta Bazar, Police Station- K. Hat, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar, through its Secretary, Road Construction Department, Bihar at Patna.
2. The Engineer- in- Chief, Road Construction Department, Bihar, Patna.
3. The Chief Engineer, Road Construction Department, Darbhanga.
4. The Superintending Engineer, Road Construction Circle, Purnea.
5. The Executive Engineer, Road Construction Division, Purnea.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar Ojha, Adv.

For the Respondent/s : Mr. K.K. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-01-2017

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

2. In this case, the petitioner is claiming payment of bill of Rs.28,10,890/- for the work performed by him under Purnea Division of the Road Construction Department.

3. As per the claim of the petitioner he was the lowest bidder, the work for the construction of the road was given to him. After completing the work, he has submitted the bill for payment, but no any farthing has been paid to him till date.



4. The State has filed counter affidavit, pointedly not denied the claim of the petitioner, but only evasive statement has been made. There is no denial at all that the petitioner has not performed the work. The letter dated 10.02.2016, which is attached to the counter affidavit, shows that the Liability Committee has gone into the claim of the petitioner and certain claims has been accepted and certain claims has been rejected.

5. In such view of the matter, the respondent-authorities are directed to release the admitted amount to the petitioner within a period of three months from the date of receipt/production of a copy of this order. For rest disputed amount, the petitioner is at liberty to approach the Bihar Public Works Contracts Dispute Arbitration Tribunal by filing appropriate application. The Tribunal will be obliged to dispose of the case of the petitioner within a period of six months from the date of filing of such application.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	23.01.2017
Transmission Date	

