

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13290 of 2015

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M/s B. N. Enterprises, through its partner cum authorized signatory, Bhola Nath Prasad son of Late Lakhi Chand Prasad resident of village Nechua Jalalpur, P.S. Kuchaikote, District Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Siwan, District - Siwan, Bihar.
3. The Superintending Engineer, Flood Control Circle, Gopalganj, District Gopalganj, Bihar.
4. The Executive Engineer, Flood Control Division, Thakaraha, Camp Gopalganj, District Gopalganj, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.

For the Respondent/s : Mr. MD. Obaidullah, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-02-2017

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

In this case, learned counsel for the petitioner submits that the petitioner has completed the work as per specification which is apparently clear from the certificate issued by the Superintending Engineer as contained in Annexure-1 to this application. He has further submitted that the procedure has been followed in the matter of work contract and the State used to deduct 1% from the running bill as also from the security but, the moment the work is completed, the entire deducted amount is refundable to the petitioner and, thus, in terms of the procedure, the entire amount including the security



should be refunded to the petitioner but, the same has not been paid to him.

If that be so, let the petitioner file a proper application to the Chief Engineer, Water Resources Department, Siwan/Gopalganj who will examine the case of the petitioner and if it is found that the petitioner is entitled for the amount, he shall immediately release the deducted amount to the petitioner.

For convenience, the petitioner is directed to file a detailed representation to the aforesaid authority who will dispose of the same within a period of two months from the date of filing of the representation. If it is found that the petitioner is entitled for the amount, the same should paid to him within a period of one month thereafter. If any payment remains outstanding, that also will be released to the petitioner.

With the aforesaid observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2017
Transmission Date	

