

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16612 of 2015

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M/s Rana Pratap Singh, represented by Rana Pratap Singh S/o late Suresh Singh, R/o Janta Chowk, P.S.- K. Hat, Distt.- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Water Resources Department, Govt. of Bihar, Patna.
2. The Chief Engineer, Minor Water Resources Department, Bhagalpur.
3. The Superintendent Engineer, Minor Irrigation Tube Well Circle Purnea.
4. The Executive Engineer, Tubewell Division Minor Irrigation Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Adv.
For the Respondent/s : Mr. Raj Nandan Prasad, SC-9
Mr. R.K.R., AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-05-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner has challenged the action of the Department for non-payment of security deposit of earnest money of Rs. 3,43,174/-.

As per the claim of the petitioner, he has secured the Agreement upto 2011-2012 and carried out the work in time, but illegally the earnest money/ security amount has been deducted.

A counter affidavit has been filed wherein the statement has been made that despite specific instruction given to the petitioner, the work was not completed within the stipulated period. The Executive Engineer, Tube-well Division,



Madhepura, vide letter no. 499 dated 26th July 2012, informed the petitioner regarding the fact that the final measurement of the work will be done in between 5th August 2012 to 7th August 2012 so either the petitioner or his Representative should remain physically present, but the fact is that neither the petitioner was present nor he sent his Agent, on that account, the amount has not been released.

Let the petitioner present himself for final measurement and if it is found that he executed the work in terms of Agreement, the Authority will take action in accordance with law.

The Department is directed to give notice for final measurement. It is also directed that either the petitioner or his Agent should remain physically present on the date fixed by the Department and make final measurement of the work.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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