

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2476 of 2010

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Shiv Krishna Builders Pvt. Ltd.Bajinathpur,Saharsa Through Ex.Director Sri Subhash Kumar Singh Of Late Basudeo Singh Village-Jamunia,Po-Sardiha,Ps-Simri Bakhtiyarpur,District-Saharsa.

.... Petitioner/s

Versus

1. Mr. Shashi Shekhar Sharma,The Principal Secretary To Government Rural Development Department Now Named As,New Secretariat Building,Bihar Patna,
2. Mr.Lala Rajak The Chief Engineer,Rural Engineering Orgainzation No.2,Rural Development Department,Visheshwaraiya Bhawan,Bailey Road Patna.
3. Mr.Om Prakash Manjhi,The Superintending Engineer,Reo Circle Saharsa Now Named As Rural Works Circle,Saharsa.
4. Mr.Arvind Kumar,The Executive Engineer,Reo Division Saharsa,Now Named As Rural Works Diviison,Saharsa.
5. Mr.Surendra Kumar,The Assistant Engineer,R.E.O.Works Sub-Division Simri Bakhtiyarpur,District-Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. NIKUNJ SHEKHAR Mr. Dharmednra Kr. Paswan Mr. Kumar Devashish
For the Respondent/s	:	Mrs. Archana Meenakshi, G.P. 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-03-2017

Having considered the submissions made in the show cause filed by the respondents, it is seen that after contract work of the petitioner was cancelled, the work in question was re-tendered and since complete work was not executed, the same was allotted to a third party and for the same certain amount was recovered by the State



Government. As non-payment of dues of the petitioner on account of work done and non-refund of security is concerned, the Writ Court has considered the matter and left it upon the authorities to decide in accordance with law. So far as imposition of penalty is concerned, the Writ court has observed that the penalty can be imposed when there are grounds justifying imposition thereof. The Writ Court has also observed that the decision to impose 10% penalty cannot be sustained meaning thereby 10% penalty recovered was to be refunded to the petitioner. However, from the show cause it is seen that the amount to be refunded to the petitioner is more than the dues payable by the petitioner to the Government and therefore, the same has been adjusted by the State Government from the amount to be refunded to the petitioner. That being so, if the petitioner has any grievance still subsisting, the petitioner is granted liberty to re-agitate the same including the matter with regard to cancellation of the contract.

In the present contempt proceeding further action on account of non-refund of 10% penalty can be initiated as the same is adjusted by the State government from the amount to be paid to the petitioner. In the circumstances, no case for initiation of proceedings of contempt is made out. However, the petitioner is granted liberty to challenge the act of the respondents in accordance with law in case he has any grievances in the matter.



The application is disposed of with the observation indicated hereinabove.

(Rajendra Menon, CJ)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-03-2017
Transmission Date	

