

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13725 of 2013

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1. Rajesh Prasad Singh S/O- Sri Ram Lakhan Prasad Singh R/O- Parwati Path, Mohalla- New Chitragupta Nagar, P.O.- Lohia Nagar, P.S.- Patrakar Nagar, Kankarbagh, Patna- 800020

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Phed, Govt. Of Bihar, Vishyaveshraiya Bhawan, Patna- 800001
3. The Chief Engineer, Urban, Phed, Bihar Vishyaveshraiya Bhawan, Patna- 800001
4. The S.E., Phed, Ph Circle, Patna, Rajbanshi Nagar, Patna
5. The Executive Officer, Ph Division, Patna West, Rajbanshi Nagar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
Mr. (Dr.) Anshuman
For the Respondent/s : Mrs. Binita Singh, S.C. 28
Mr. Nishant Kumar Jha, A.C. to S.C.-28

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioner seeks payment of his admitted dues for works done by him which have been indicated at paragraph No. 11 being Rs. 9,50,308/- (Nine Lakhs Fifty Thousand Three Hundred and Eight only).

It is submitted that the bills in this regard was deposited in the office of Respondent No. 5 (The Executive Engineer, PH Division, Patna West, Rajbanshi Nagar, Patna) but, till date, it was not being paid despite the petitioner's successive representations.

Non payment of such bills, though completion



of work as admitted by the Respondents is thus illegal and arbitrary and the petitioner prays for a direction to the Respondents to release his admitted dues.

Learned counsel appearing on behalf of the State submits that though the works were completed, there were some internal communications between the authorities by which it was directed that the work be not conducted or executed. However, the work had already been concluded in the interregnum when such discussions were being made at the departmental level. This fact is not denied by the Respondents.

Learned counsel for the State has filed his counter affidavit wherein at Paragraph No. 10, it has been submitted that in fact, the petitioner has completed the aforesaid works which were allotted to him and, accordingly, work certificate in respect of work done by him have also been issued which have been annexed by the petitioner in the instant writ application as Annexure-3 Series. However, the Memo No. 794 dated 28.03.2012 which is a letter from the Chief Engineer (South), Building Construction Department, Bihar, Patna, the repairing works of residential and non-residential buildings within the zone of master plan for construction of residential



buildings of the Members of the Bihar Legislative Assembly and Bihar Legislative Council was stayed with immediate effect. Thus, the said letter stands as an impediment in releasing the payment in favour of the petitioner.

Having perused the averments made in the writ application and the reason assigned by the Respondents in the counter affidavit, this Court is unable to comprehend as to how work having been conducted and executed by the petitioner for which completion certificates had already been issued, the respondents could withhold the admitted dues of the petitioner. It is admitted position that the petitioner has completed the work and for completing the same, he must have invested a sizeable amount which cannot be denied to him especially as Letter dated 28.03.2012 issued by the Chief Engineer was much after the work had been completed.

In the result, the writ application stands allowed.

The admitted dues of the petitioner are directed to be paid within a period of three months from the date of receipt / production of a copy of this order.

It is made clear that any further delay in



release of payments in favour of the petitioner, shall make the Respondents liable for payment with interest after the said period of three months @18% per annum.

(Anjana Mishra, J)

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