

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16036 of 2016

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M/s Dinesh Kumar, Aged about 45 yrs, S/O Sri Ram Shankar Singh, R/O- Sushila Sadan, Road No.-1, Rajeev Nagar, Patna- 24.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief, cum Commissioner cum Special Secretary Building Construction Department, Bihar, Patna.
3. The Chief Engineer, North Bihar, Building Construction Dept. at Patna.
4. The Superintendent Engineer, Design Circle-1, BCD, Patna.
5. The Electrical Ex. Engineer, Electrical Estimating Division No- 1, BCD, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. S.B. Singh, Adv.
Kumari Rashmi, Adv.

For the Respondent/s : Mr. Niraj Kumar Sinha, A.C to P.A.A.G.-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-04-2017

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

2. In this case, the petitioner is seeking to release an amount of Rs.38,28,924/- including the EMD/Security Deposit along with interest for the work discharged by him. It has been claimed by the petitioner that with an ulterior motive the amount has been withheld by the respondent authorities.



3. The petitioner was allotted the work by the respondent authorities and ultimately, he has entered into an agreement No.255 F2 of 2012-13 for Rs.68,50,000/-, agreement No.256 F2 of 2012-13 of Rs.58,60,000/- and agreement No.257 F2 of 2012-13 of Rs.25,10,000/-. In this manner, the petitioner was granted altogether three work orders for execution.

4. The petitioner has filed a representation before the authority for payment of Rs.38,28,924/- and the Electrical Executive Engineer written a letter dated 27.06.2013 to the Secretary, Building Construction Department for allotment of the aforesaid amount.

5. A counter affidavit has been filed by the respondents, where the plea has been taken that the petitioner has never submitted the final bill nor he is a registered contractor of the department, but in paragraph No.8 it has been stated that the respondents are ready to pay the admitted dues.

6. In such view of the matter, let the petitioner file a detailed representation before the Principal Secretary, Building Construction Department, Government of Bihar, Patna, attaching the supporting documents. If such an application is filed, the



Principal Secretary would consider the same and after proper verification pay the admitted dues which the petitioner is entitled to. The entire exercise will be completed by the Principal Secretary within a period a period of three months from the date of filing of representation by the petitioner. If the petitioner will be aggrieved by the decision of the Principal Secretary with respect to the non-payment of certain amount of the bill, he will have liberty to challenge the same before the appropriate forum.

7. 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	10.04.2017
Transmission Date	N/A.

