

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11100 of 2011

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Amar Nath Saran, S/O Late Ram Narayan Sharan, R/O A/95, Housing Colony,
Kankarbagh, P.O. & P.S.- Kankarbagh, Distt.- Patna-800020

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-Cum-Secretary, Road Construction Department, Bihar, Patna
2. The Chief Engineer, National Highway Wing, Road Construction Department, Bihar, Patna
3. The Executive Engineer, National Highway Division, Gulzarbagh, Patna
4. The Superintending Engineer, National Highway Division, Circle-Patna
5. The Sub-Divisional Officer, National Highway Division, Circle-Patna
6. The Secretary, Ministry of Shipping, Road Transport & Highway, Department of Road Transport & Highway, New Delhi
7. The Regional Officer (Bihar & Jharkhand), Department of Road Transport & Highway, 17, I.A.S. Colony, Kidwaipuri, Patna
8. Union of India, through the Secretary, Ministry of Shipping, Road Transport & Highway, Department of Road Transport & Highway, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Prince Kumar Mishra, Advocate
For the State : Mr. Ram Shankar Prasad, A.C. to G.P.-14
For the Union of India : Mr. S.D. Sanjay, Adl.S.G.
Mr. Ravindra Kumar Sharma, C.G.C.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

Date: 17-07-2017

Heard learned counsel for the petitioner and the learned
counsel for the Union of India as also the learned counsel appearing
on behalf of the State.

2. In response to the earlier direction issued by this Court
on 04.07.2017, the final bill of the petitioner has been prepared and
a sum of Rs.16,71,953/- has been directed to be paid to the
petitioner. It has been stated in paragraph 5 of the supplementary



counter affidavit filed today, that the final bill for the claimed amount of Rs.16,71,953/- by the petitioner against the work done has been received by the Department. The bill is under process for payment.

3. Learned counsel for the State, however, contends that the petitioner should appear before the concerned authority, being the Executive Engineer, National Highway Division, Guljarbagh, Patna, so as to append certain signatures, which are necessary for release of the bill amount. He submits that as per the instructions received from the concerned Executive Engineer, no sooner the petitioner appends his signatures, the aforesaid amount will be placed in his Bank account, which will be provided by the petitioner on the said date.

4. Accordingly, in view of such submissions advanced by the learned counsel for the State, let the petitioner appear before the authority, being the Executive Engineer, National Highway Division, Guljarbagh, Patna on the 24th of July, 2017 at 11:00 A.M., on which date the Executive Engineer shall make himself available. The petitioner shall also furnish his Bank account number so that the aforesaid amount is to be deposited.

5. So far as the security amount is concerned, let the authority simultaneously return the entire security amount paid by



the petitioner into the same Bank account so as to resolve the issue.

6. In the wake of the fact that the petitioner’s security amount had been blocked for a considerable number of years i.e., from the date of completion of the project for which the aforesaid bill was raised by the petitioner, let the petitioner be also paid interest on the security amount at the prevalent market rates, as it was then existed, from the date the same was recoverable to the date on which the final refund is made.

7. With the aforementioned observations/directions, the writ application stands allowed. However, in the facts and circumstances of the case, there shall be no order as to costs.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2017
Transmission Date	NA

