

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2179 of 2016
IN
Civil Writ Jurisdiction Case No. 6011 of 2009**

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M/s Sharda Construction, a partnership firm having its head office at new area, Maharajganj Road, Aurangabad, Bihar (Camp) Office 469© Shanti Sadan, Road No.1, Mandir Marg, Ashok Nagar Ranchi but now closed) through its Partner Kaushal Kumar Singh, son of late Ambika Narayan Singh, resident of new Area, Aurangabad, Bihar.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department (earlier known as Rural Engineering Organization), Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-cum-Employer, Rural Engineering Organization, (now known as Rural Works Department) (BPDP) Chota Nagapur and Santhal Paragana Wing, Government of Bihar, Ranchi (now Government of Jharkhand).
5. The Superintending Engineer, RCD Circle, 203, Abiyantran Bhawan, Ranchi.
6. The Executive Engineer, BPDP Works Division, Rural Engineering Organization, Gumla.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. PUSHKAR NARAIN SHAHI-AAG6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-12-2017

We are not satisfied with the reasons indicated in the condonation for delay of 635 days. I.A. No. 524 of 2017 therefore is dismissed. As a consequence thereof, even the appeal is dismissed. Before parting, however, we would like to record that we have gone through the order dated 29.01.2015, the dismissal of the writ application. With regard to certain dues relating to a contract for the



year 1997 was prayed for in the writ application which was filed in the year 2009 after delay of almost 12 years. Besides that, the learned Single Judge has also taken note of some of the decisions of the Hon’ble Supreme Court as well as the High Court with regard to payment of money claims not being entertainable when the claim is not accepted by the respondents.

Even the appeal has no merit. Therefore both stand dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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