

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11503 of 2016

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1. M/s Bhardwaj Construction, through its Partner, Kamlesh Kumar Son of Ramashray Sharma Resident of Mohalla - 286, Anugrah Puri Colony, P.S. - Rampur, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Rural Works Department, Bihar, Patna.
3. The Engineer in-Chief, Rural Works Department, Bihar, Patna.
4. The Chief Engineer 1st, Rural Works Department, South Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Gaya.
6. The Executive Engineer, Rural Works Department, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Mr. Priya Ranjan, Mr. Amit Kumar Singh.
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16 Mr. Manoj Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-03-2017

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

In the present writ petition, petitioner is claiming for extension of period for completion of work. The Government has published tender, petitioner applied for the same and in pursuance thereof being L-I candidate he was selected for execution of the work. He entered into an agreement for construction of the road.

Petitioner has completed the work but beyond the



prescribed time on account of some Naxal problem and also having paucity of fund.

After completion of work the petitioner has filed an application for extension of time where the ground has been mentioned that the work has been delayed due to Naxal problem and paucity of fund. Contractor is not responsible for the delay. Hence time for extension is granted.

The application of the petitioner was forwarded with the positive note by the Junior Engineer to the Executive Engineer. Subsequently to Superintending Engineer and ultimately the Chief Engineer and all the officer have recommended in favour of the petitioner but the matter is pending before the Engineer-in-Chief.

This Court is not giving any opinion on the merit of the case but this Court directs the Engineer-in-Chief, Rural Works Department, Bihar, Patna to consider the case of the petitioner and pass a reasoned order in accordance with law keeping in mind that recommendation was made by all the officers in favour of the petitioner within a period of two months from the date of receipt/production of a copy of this order. If the order is passed in favour of the petitioner it is expected that authority would release the admissible fund in accordance with law.



With the aforesaid observation and direction this writ
petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.3.2017
Transmission Date	NA

