

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12043 of 2016

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Laxmi Construction & Electricals Works through its authorized signatory Namely Chandradeep Singh, son of Late Girdhari Singh, having Office at Ward No. 20, House No. 395 Laxmipur, Siwan Road, Police Station- Siwan Sadar, District-Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
3. The Executive Officer, Nagar Parishad, Bettiah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Respondent/s : Mr. Kinkar Kumar, S.C.-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-04-2017

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

2. Instead of giving notice to the Bettiah Nagar Parishad, this matter can be disposed of by a simple order of giving direction to make payment of 70 L.E.D. lights, which were found to be burning.

3. The Bettiah Nagar Parishad has issued an advertisement for placement of pole along with L.E.D lights at



different places of Bettiah town. 134 places were identified for where L.E.D. lights were to be fixed over the head of the pole. As the petitioner was the L-1 tenderer, the work order was issued in his favour.

4. As per the claim of the petitioner though N.I.T. stipulates the placement of the pole along with L.E.D. lights, but after deliberation, the Bettiah Nagar Parishad, decided in order to reduce the cost, the petitioner was allotted the work order to fix the L.E.D. lights on electrical poles of the State Government. Whereupon, the petitioner has fixed the L.E.D. lights at 134 places. A Committee was constituted for physical verification about the existence of L.E.D. lights and its workability. The Committee has found that out of 134 L.E.D. lights only 70 L.E.D. lights were working and rest 64 L.E.D. lights were not working.

5. In such view of the matter, the petitioner cannot get the money with respect to all 134 L.E.D. lights, but he will be entitled only to those L.E.D. lights which were found burning.

6. In such view of the matter, the Bettiah Nagar Parishad is directed to make payment of cost of only 70 L.E.D. lights as per the N.I.T. excluding the poles which the petitioner has not



erected at 134 places within a period of three months from the date of receipt/production of a copy of this order.

7. Learned counsel for the petitioner submits that the petitioner is ready to substitute 64 active L.E.D. upto the satisfaction of the Bettiah Nagar Parishad. It is for the petitioner to approach the Nagar Parishad and they are at liberty to take decision in accordance with law.

8. 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	11.04.2017
Transmission Date	N/A.

