

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16429 of 2013

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1. Bhushan Upadhyaya Son Of Late Sidh Nath Upadhyaya Resident Of
Mohalla- Maharaja Hata, P.S. Nawada, District- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Rural Works Department, State Of Bihar, New
Secretary Patna
3. Secretary, Rural Works Department, Patna
4. Chief Engineer, Rural Works Department, Patna
5. Executive Engineer, Rural Works Department (W. Division), Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SNP Singh

Mr. Naresh Nandan

For the Respondent/s : Mr. G.P. Ojha, G.A.-7

Mr. Gopal Krishna, A.C. to G.A.-7

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 15-09-2017

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner seeks payment of his unpaid bills for the
work conducted by him under the RE.O. Road Jamuniya to
Baruna Dalpatpur Road under M.M.G.S.Y. scheme. The payments
which are due are towards the head of neutralization of bitumen
price which had remained due, to the petitioner.

A counter affidavit has been filed by the State of Bihar in
this case.

On the perusal of Annexure-A appended thereto, clearly
reveals that the petitioner is eligible for payment of neutralization
of bitumen price.



In the counter affidavit, however, a statement has been made that the petitioner has not submitted his bills. The said statement is, however, found to be factually incorrect in view of the fact that the petitioner has brought on record Annexure-4 which is a copy of the bill presented by him before the department. On perusal of Annexure-4, it is evident that the bill was presented by the petitioner and the amounts which were due to him were calculated and a direction was made therein by the Executive Engineer (RWD) Works Division, Arrah for payment of the same and the petitioner will be entitled to receive a sum of Rs. 17,35,637/- after making the necessary deductions. However, for some oblique reasons, the petitioner has not been made payment thereof till date.

In view of the fact that the bill has already been presented before the Executive Engineer, RWD (W. Division), Arrah, there appears to be no reason that the same should not be paid to the petitioner as it is already an admitted amount.

In the result, the writ application is allowed.

The Respondents are directed to make payment of the bills of the petitioner within a period of six weeks from the date of receipt/ production of a copy of this order.

With the aforementioned direction, the writ application



stands disposed of.

Saif/-

(Anjana Mishra, J)

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