

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2235 of 2016

IN

C.R. 152 of 2014

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M/s Ram Pravesh Rai Estate Private Limited through its Managing Director-Shri Ram Pravesh Rai, Son of Late Kamla Rai, resident of House No. 19, Patliputra Colony, P.S. Patliputra, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Shri Pankaj Kumar, the secretary, Road Construction Department, "Vishweshwarraiya Bhawan", Bailey Road, Patna.
2. Er. Laxmi Narayan Das, the Engineer-in-Chief, Road Construction Department, "Vishweshwarraiya Bhawan", Bailey Road, Patna.
3. Er. Krishan Chandra Mishra, the Chief Engineer (North Bihar Wing), Road Construction Department, "Vishweshwarraiya Bhawan", Bailey Road, Patna.
4. Sri Sunil Kumar, The Superintending Engineer, Road Construction Department, Saran Road Circle, Hazipur.
5. Sri Bablu Kumar, The Executive Engineer, Road Construction Department, Road Division, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 11-01-2017

Heard Mr. Binod Kumar Singh, learned counsel for the petitioner.

This application has been filed for initiating a proceeding of contempt against the opposite parties for violating the



order/judgment dated 30.11.2015 passed in C.R. No. 152 of 2014 which was heard analogously with C.R. No. 87 of 2014.

C.R. No. 87 of 2014 was filed by the opposite party-State of Bihar and C.R. No. 152 of 2014 was filed by the present petitioner against the award dated 12.11.2013 passed by the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna in Reference Case No. 113 of 2010. By the judgment and order dated 30.11.2015, C.R. No. 87 of 2014 was dismissed whereas C.R. No. 152 of 2014 was allowed in part.

Mr. Singh, learned counsel for the petitioner has referred to page no. 18 of the above judgment passed in the two revision applications whereby the finding by the tribunal declining the relief to the petitioner for refund of the amount of royalty was set aside and the petitioner was held entitled to refund/adjustment of the amount of royalty in accordance with the Rules. It has been submitted that the petitioner thereafter approached the opposite parties by filing petition for payment of the amount of royalty as described in the petition (Annexure-2) but the opposite parties have been sitting tight over the matter and have not taken decision so far. It has, therefore, been contended that the opposite parties have deliberately violated the direction of this Court.

Learned counsel for the State of Bihar-opposite party has



submitted that no case for initiating the proceeding of contempt against the opposite parties has been made out.

After considering the submissions and the perusal of the materials on record, it is evident from the judgment and order dated 30.11.2015 passed in C.R. No. 152 of 2014 along with C.R. No. 87 of 2014 that while allowing C.R. No. 152 of 2014 in part this Court has set aside the finding of the tribunal denying the relief for refund of the royalty amount as prayed and has held that the petitioner is entitled to refund/adjustment of the amount of the royalty in accordance with law. However, there is no direction in the said judgment to the opposite parties for payment of the said amount of royalty. In absence of such direction, it cannot be said that the opposite parties have committed contempt by not taking decision for payment.

In this view of the matter, this Court, comes to the conclusion that the present contempt application is totally misconceived and is dismissed, accordingly.

However, this order will not prejudice the right of the petitioner to pursue the legal remedies available to him.

(V. Nath, J)

Devendra/-

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