

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.627 of 2016

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1. Amarendra Kumar Son of Sri Muneshwar Yadav Proprietor of A.K. Construction
resident of village - Deopur, P.S. Khaira, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Water Resources Department,
Government of Bihar, Patna
2. The Chief Engineer, Minor Water Resources Department, Bhagalpur
3. The Executive Engineer, Minor Water Resources Department, Minor Irrigation
Division, Jhajha, District - Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Respondent/s : Mr. A.N. SINHA- GP11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-02-2017

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

In the present writ petition a prayer has been made by the
petitioner to give direction to the Executive Engineer, Minor
Water Resources Department, Minor Irrigation Division, Jhaha,
District Jamui to pass the final bill which has already been
approved by the Junior Engineer as well as Sub Divisional
Officer after making final measurement of the work of
construction of Deopur and Narsagar Ahar Reservoir Scheme
and pay the amount which the petitioner is found entitled.

The Government has issued tender notice dated 4.5.2011



by the Minor Water Resources Department, Government of Bihar inviting competent contractor to participate in the tender. The petitioner succeeded in technical bid as well as financial bid and granted the work in terms of the agreement. As per agreement he has completed the work but final payment has not been made including his security amount which is lying with the Corporation.

In the counter affidavit a plea has been taken by the State that security amount has not been issued on account of pendency of the vigilance enquiry and after completion of the same security amount will be released to the petitioner. On last occasion petitioner has pointed out that respondent authority has released the security amount to one Ajay Engicon Private Limited but strange plea has been taken in the case of the petitioner. This Court has directed the respondent to file supplementary counter affidavit whereupon supplementary counter affidavit has been filed and in paragraph 4 by and large statement has been made that left over payment including security amount will be released in favour of the petitioner. It will be relevant to quote paragraph 4 of the supplementary counter affidavit:

“4. That it is submitted that in the light of the fact that the



payment to the Ajay Engicon Pvt. Ltd. has been made during the vigilance enquiry, the process to make payment to the petitioner has also been started and the security money of the petitioner shall be refunded in two weeks.”

In view of such undertaking given by respondent nos. 1 to 3 this Court hope and trust that respondent authority will not only release the left over amount but also make payment of security amount within the period mentioned in the counter affidavit.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.2.2017
Transmission Date	NA

