

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12662 of 2017

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Prabhakar, Son of Sri Narendra Kumar Singh, Resident of Mohalla - P.C. Colony,
D- 103, P.O.- Lohia Nagar, P.S.- Kankarbagh, Patna- 20.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, 'Visheshwaraiya Bhawan' Bailey Road, Patna- 15.
2. The Engineer-in-Chief, Building Construction Department, 'Visheshwaraiya Bhawan', Bailey Road, Patna- 15.
3. The Chief Engineer (Electrical), Building Construction Department, 'Visheshwaraiya Bhawan Campus', Bailey Road, Patna- 15.
4. The Superintending Engineer, (Electrical), Serpentine Road, Near to Patna High Court, Patna- 28.
5. The Executive Engineer, Building Construction Department, Electrical Estimating Division NO. 1, Patna Now it had given new nomenclature i.e. the Executive Engineer, Electric Works Division No. 1 Near to Patna High Court, Patna- 28.
6. The Executive Engineer, Electrical Works Division No. 2, Serpentine Road, Near to Patna High Court, Patna- 28.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Sahay
Mr. Anil Kumar Sinha, Advocates
For the Respondents : Mr. Balram Kapri, AC to SC26

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-11-2017

The present writ petition has been filed for the following reliefs-

- (i) *For commanding and directing the concerned respondent to refund the deposited amount of earnest money in favour of the petitioner relating to following works, which have been completed by the petitioner.*
 - (a) *Electrification work at office of IT Department situated at Technology Bhawan, Patna for the year*



2014-15, Agreement No. 139F of 2014-15.

(b) Electrification work of office of IT Department in IT Bhawan, Patna for the year 2014-15, Agreement No. 140 of 2014-15.

(ii) For passing such an order or orders for which the petitioner is entitled under the law in the facts and circumstances of this case.

2. Learned counsel for the petitioner submits that the entire work awarded to the petitioner has been completed and for which he has also received payment except with regard to the earnest money of Rs. 10,000/- and Rs. 1,60,000/- relating to the two agreements, respectively. It is pointed out that by letter dated 03.12.2014 (Annexure-P-2), the Electrical Executive Engineer, Electric Works Division No. 1, Patna had requested the Electrical Executive Engineer, Electric Works Division No. 2, Patna for handing over the earnest money deposited by the petitioner at the time of tender.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievance, the writ petition is disposed of with the consent of the petitioner, granting him liberty to file a representation before the Electrical Executive Engineer, Electric Works Division No. 2, Patna (Respondent no. 6) for redressal of his grievances. If any such representation is filed within two weeks from today, the same shall be disposed of within a further



period of four weeks thereafter and the amount of earnest money aggregating to Rs. 1,70,000/- as aforesaid, shall be handed over to the Electrical Executive Engineer, Electric Works Division No. 1, Patna (Respondent no. 5), or pass a speaking order with reasons for not doing so, within the stipulated time after grant of an opportunity of hearing to the petitioner, in accordance with law.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.12.2017
Transmission Date	N.A.

