

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20001 of 2012

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M/S Abdhesh Kumar Singh Prop; Awadhesh Kumar Singh S/o late Ram
Rasik Singh Village- Sirsi, P.O. Sirsi Dihra, P.S. Harnaut, District Nalanda
Pin-803110 Petitioner/s

Versus

1. Hindustan Steel Works Construction Limited through its General
Manager 323, Kandru, Ranchi- 834002
2. The Deputy General Manager, Hindustan Steel Works, 323, Kandru,
Ranchi - 834002
3. The Senior Manager (Codn.) & T.C.(Nv) Hindustan Steel Works 323,
Kandru, Ranchi – 834002
4. Mr. R.N.P. Singh, Unit Head, H.S.G.L., Deoghar Hindustan Steel Works
Construction Ltd. Bidhu Bhawan Sarkar Road Barmassa –B, Deoghar
814112 Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajnandan Prasad Singh, Advocate
Mr. R.C. Pandey, Advocate
For the Respondent/s : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 21-03-2017 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the Hindustan Steel

Works Construction Ltd.

In the present case, the writ petitioner has come to
this Court for payment of his bills which were paid in part to him
in the year, 2001. He has further prayed for release of the
security deposit made by him for the contract which he had
executed in the year 1999 itself. The part payment of the
petitioner was paid to him in the year, 2001 itself but a sum of
Rs. 28,049/- remained unpaid for the works done. The security
amount is to the tune of Rs. 2,73,256/-. On the said amount, the



petitioner is also claiming interest at the rate of 18 per cent.

Learned counsel for the petitioner submits that the authorities have illegally and arbitrarily withheld the sum of Rs. 28,049/- and have paid only Rs. 1,33,47,116.08/- against the total value of completed work which was quantified at Rs. 1,33,75, 164.87/ and, thus, an amount of Rs. 28,048.79/- remains due for the works done by him.

It is further submitted that he had protested against such arbitrary withholding of aforementioned amount, but, having received no response from the respondents, he sent a legal notice on 28.05.2012 requesting the respondents to pay the amount due to him and also refund his security deposit. It is further submitted that the authorities have responded to the said notice and directed him to deposit documents which the petitioner has deposited but still the respondents are not making payment. Thus, he seeks appropriate direction for the payment of the dues. It is further submitted that the security amount deposited with the respondents is a deposit on which no limitation would be attracted and, therefore, the same may be refunded to him.

Learned counsel appearing on behalf of the respondents, however, submits that the petitioner's bill was paid



after due measurement made available in his presence. Thereafter, the petitioner abstained from making any communication with the respondents between the year 2001-12. He further submits that the petitioner's case is hit by the principal of limitation, as such, money claim after a long lapse of 10 years cannot be claimed.

Learned counsel for the Hindustan Steel Works Construction Limited submits that he has already made final payment and no further payments towards completion of any work done by the petitioner can be made after a lapse of so many years. He further submits that the same be treated as final payment. The petitioner's case for refund of his security deposit could be considered as the work in question has now been completed.

Having heard learned counsel for the petitioner and learned counsel for the State, it appears that the claim of payment of dues is quite belated and is hit by the law of limitation. Accordingly, no interference/direction is warranted in the present facts of the case.

Accordingly, this Court directs the respondent that the security amount, if any, lying with the Hindustan Steel works be refunded to the petitioner, preferably within a period of three



months from the day of receipt/production of a copy of this order. However, this Court is not inclined to grant any interest on the same for the reason that the petitioner is guilty of the delay in approaching the authority between the year 2001-12.

With the aforesaid observations/direction the writ application stands disposed of.

(Anjana Mishra, J)

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