

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5215 of 2017

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M/s Vasundhra Nirman Pvt. Ltd. 303, Adharshila Commercial Complex, South Gandhi Maidan, Patna 800001 through its Director, Dhanesh Kumar Singh son of late Ramrashik Singh

.... Petitioner

Versus

1. The Hindustan Steel Works Construction Limited through its Head (Projects), Hindustan Steel Works Construction Ltd., Patna Unit, Land Development Bank Building, 3rd Floor, Budh Marg, Patna - 800001.
2. The Deputy General Manager, Hindustan Steel Works Construction Limited, its registered office - P - 34A Gariahat Road (South), Kolkata - 700031, Unit Land Development Bank Building at 3rd Floor, Budh Marg, Patna - 800001.
3. The Assistant General Manager, Hindustan Steel Works Construction Limited, Unit Land Development Bank Building, at 3rd Floor, Budh Marg, Patna - 800001.
4. The Chairman-cum-Managing Director, Hindustan Steel Works Construction Limited, Corporate Office, 5/1 Commissariat Road, (Hastings), Kolkata - 700022.

.... Respondents

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Appearance :

For the Petitioner : Mr. Raj Nandan Prasad Singh

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

The present writ petition has been filed for a direction to the respondents for refund of Rs. 39,61,896.30 which had been deposited as Security money with the respondents but the same has been withheld.

2. Learned counsel for the petitioner submits that an amount of Rs. 39,61,896.30 was deducted at the settled proportion of 5% from the total value of awarded work for construction as per Agreement and Estimated cost of Rs. 7,92,37,925/-.



3. At the very outset, this Court takes note of the statement made in paragraph-8 of the writ petition which discloses that the claim of the petitioner relates to the year 2008 and the petitioner has been seeking refund of the Security money of Rs. 39,61,896.30 since 23.06.2008 and onwards. The present writ petition has been filed in the year 2017. Except filing representations before the respondents, there is nothing on record to show any valid reason for such inordinate delay in seeking redressal of the petitioner's grievances.

4. This Court is therefore of the view that the petitioner has not been diligent in pursuing his remedy and has approached this Court after a long nine years delay after the cause of action arose without adequate reason for such delay. In view of the delay and laches on the part of the petitioner, this Court is not inclined to entertain the present writ petition which is accordingly dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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