

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3630 of 2018

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M/s Kirloskar Brothers Ltd., a Company having its Registered Office at
YAMUNA' Survey No. 98/3 to 7, Baner, Pune- 411045 Maharashtra, duly
represented through its Authorized Signatory, Mrs. Aparna Fulambarkar.

.... Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. District Magistrate and Collector, Darbhanga, Bihar.
3. Chief Engineer (Urban), Public Health Engineering Department, Government of Bihar, Patna.
4. Superintendent Engineer (Urban), Public Health Engineering Department, Darbhanga Division, Darbhanga.
5. Executive Engineer, Public Health Engineering Department, Darbhanga Division, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Adv

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

Heard learned counsel for the petitioner and learned
Counsel for the respondents.

2. The present writ petition has been taken up out of turn
on the request of learned counsel for the petitioner for disposal of the
same with a direction to the respondents to pay the admitted dues of the
petitioner.

3. The present writ petition has been filed for payment of
contractual dues amounting to Rs. 2,21,60,684/- as well as the withheld



amount of Extension of Time amounting to Rs. 1,07,14,369/-

3. Learned counsel for the petitioner submits that despite having completed the work of Phase-II project of Contract bearing No. SBD No.02 of 2010-11 at Darbhanga an amount of Rs. 2,21,60,684/- as well as the withheld amount of Extension of Time amounting to Rs. 1,07,14,369/- remain outstanding for payment. The petitioner has filed a number of representations for payment of outstanding dues, which however, remains pending.

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

5. Having regard to the nature of the grievances of the petitioner and with the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Executive Engineer, Public Health Engineering Department, Darbhanga Division, Darbhanga (Respondent No. 5) with a fresh representation for redressal of its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its



actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2018
Transmission Date	NA

