

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4826 of 2018

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Banshidhar Construction Pvt. Ltd. Patila, Maner, Patna, through its authorized representative, Vinod Kumar Singh, S/o - Shri Ram Deo Singh, Chandani Chowk, 11 no. Lakh Road, Sugar Mill, Buxar, Bathani, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Government of Bihar, Patna.
3. The Engineer-in- Chief (Middle), Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control & Drainage, Water Resources Department, Birpur.
5. The Superintending Engineer, Kosi Barrage Circle, Birpur.
6. The Executive Engineer, Head works Division, Birpur (Supaul).
7. The Executive Engineer, Eastern Embankment Division- 2, Birpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Lalan Kumar, Advocate

For the Respondents : Mr. Vinay Kriti Singh- GA2
Mr. Akheshwar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

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

2. This matter has been taken up out of turn on the request of learned counsel for the petitioner for payment of its outstanding dues and the petitioner sought for the following reliefs –

“(i) For commanding and directing the respondent authorities to make payment of entire agreed amount relating to agreement no. 07-SBD/2016-17, amounting to Rs. 1,25,01,650/= which is due inspite of the fact that petitioner has already completed the work



granted to him..

*(ii) For commanding and directing the respondent authorities to make payment of Rs. 58,00,000/= which was extra work of **Earth work 930 meters**, taken by the respondents authorities beyond agreement for the work by the petitioner.*

(iii) For commanding and directing the respondent authorities to make payment along with interest.

(iv) For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case."

3. Learned counsel for the petitioner submits that pursuant to NIT for Activation of Natural channel 4 km D/S of Kosi Barrage in India portion from 11.2 km to 17.0 km with porcupine deflector (5 Rows) filled with Nylon crate, jhankhi & tagged with G.I. wires with periodical deepening dredging maintenance of the constructed channel over the periods, the petitioner completed the aforesaid work for which an amount of Rs. 1,78,23,563/-remains outstanding to be paid against the bills of the petitioner.

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 consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Executive Engineer, Head Works Division, Birpur, Supaul (Respondent No. 6)



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)

B.T/Ibrar

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.04.2018
Transmission Date	N.A.

