

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15817 of 2017

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M/s. Roy Engineers, a Partnership Firm having its place of business at Basant Vihar Colony, Raghunath Path, R.P.S. Road, P.S. Danapur, Patna - 801503 through one of its Partner, Sri Ajay Kumar Roy, S/o Sri Sudhanshu Prasad Roy, Resident of Basant Vihar Colony, Raghunath Path, R.P.S. Road, P.S. Danapur, Dist. Patna - 801503.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, 5th Floor, Vishweshwaraiya Bhawan, Bailey Road, Patna - 800001.
2. The Secretary, Rural Works Department, Government of Bihar, 5th Floor, Vishweshwaraiya Bhawan, Bailey Road, Patna - 800001, Rural Works Department, Government of Bihar, Patna.
3. The Additional Chief Executive Officer cum Secretary, Rural Works Department, Government of Bihar, Bihar Rural Road Development Agency, 3rd Floor, Land Development Bank, Budh Marg, Patna.
4. The Engineer-in-Chief, Rural Works Department, Government of Bihar, 5th Floor, Vishweshwaraiya Bhawan, Bailey Road, Patna - 800001.
5. The Chief Engineer - II, Rural Works Department, Government of Bihar, 5th Floor, Vishweshwaraiya Bhawan, Bailey Road, Patna - 800001.
6. The Executive Engineer, Rural Works Department, Work Division Kishanganj - II, Bihar.
7. The Assistant Engineer, Rural Works Department, Work Division, Kishanganj - II, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. S. D. Sanjay, Sr. Advocate
Mr. Alok Kumar Agrawal, Advocate
For the Respondents : Mr. Kumar Alok -SC7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned senior counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed claiming payment of admitted dues in terms of the pending bills for the contract works done by the petitioner which is unreasonably and illegally



denied.

3. At the very outset, learned senior counsel for the petitioner submits that it will suffice if the petitioner is permitted to approach the Secretary, Rural Works Department, Government of Bihar, Patna (Respondent No. 2) with a fresh representation for redressal of its grievances raised in the present writ petition, in which event, the present writ petition need not be pressed on merits.

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

5. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of granting liberty to the petitioner to file a fresh representation before the Secretary, Rural Works Department, Government of Bihar, Patna (Respondent No. 2) for redressal its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of expeditiously and preferably within a further period of two months thereafter in accordance with law.

6. Learned counsel for the petitioner states that in case the decision of the Secretary, Rural Works Department, Government of Bihar, Patna, pursuant to disposal of the petitioner's representation dated 24.07.2017 (Annexure-10) falls adverse to the petitioner, whether whole or in part, the same would be amenable to challenge



before the Arbitral Tribunal and the petitioner would not approach this Court for redressal.

7. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.02.2018
Transmission Date	N.A.

