

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18830 of 2013

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Chandresh Kumar son of Sri Bashistha Singh Resident of Village - Masahan,
P.O. - Fulkahan, Police Station - Shyampur Bhatahan, District - Sheohar, At
present of Mohalla - Khajpura, B.V. College, Police Station - Shastri Nagar,
District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Engineer, Building Construction Department, North Bihar Division, Bihar, Patna
2. The Superintending Engineer South Bihar Circle, Building Construction Department, Bihar, Patna
3. The Executive Engineer, Patliputra Building Division, Patna
4. The Assistant Engineer, Building Construction Department, North Division, Bihar, Patna Golghar, Patna
5. The Treasury Officer (Registrar), Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate

For the Respondents : Mr. Jay Prakash Sharma, AC to GP 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-01-2018

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 writ petition has been filed for the following reliefs –

“(i) To make the payment of Rs. 76,623/- against the work done by the petitioner as a contractor against name of the work S/R to outer surface of G.O. Flat Block No. Q, New Punaichak, Patna.

(ii) To make the payment of Rs. 92,731/- against the work done by the petitioner as a contractor against



name of the work S/R to rest compound wall in south of 60 offices Flat no. 50/60 at Bailey Road Patna for the year 2011-12.

(iii) To make the payment of total amount of Rs. 1,69,354/- for the aforesaid tender of works completed by the petitioner.

(iv) To make the payment of penal interest of the aforesaid due amount on the ground of delayed payment.

(v) To grant any other relief/s to which the petitioner is entitled in the facts and circumstance of the case.”

4. Learned counsel for the petitioner submits that despite having completed the work of S/R to outer surface of C.O. Flat Block Q at New Punaichak Patna for the year 2011-12, no payment has been made to the petitioner despite submission of the bills.

5. A counter affidavit has been filed by the Executive Engineer, Patliputra Building Division, Patna (respondent no. 3) in which for the two tender works, a total sum of Rs. 1,69,354/- has been accepted by the Liability Committee of the Department in its meeting held on 17.04.2015, payment of which would be subject to the availability of fund.

6. 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 Chief Engineer, Building Construction Department, North Bihar Division, Bihar, Patna (Respondent No. 1) with a fresh representation for redressal of his 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.

7. 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/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.01.2018
Transmission Date	N.A.

