

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6240 of 2017

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Dinesh Pandey Son of Late Hari Shankar Pandey, Resident of Village- Madhaul,
P.O.- Susta Madhopur, P.S.- Turki (O.P.), District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
2. The Chief Engineer, Department of Urban Development, Government of Bihar, Patna.
3. The Superintendent Engineer, Department of Urban Development, Government of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The Incharge Senior Deputy Collector, District Urban Development Section/ Branch, Muzaffarpur.
6. The Executive Engineer, District Urban Development Agency, Muzaffarpur.
7. The Administrator, Bihar State Road Transport Corporation, Bihar, Patna.
8. The Divisional Manager, Bihar State Road Transport Corporation, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Suman Kumar
	:	Mr. Pankaj Kumar Sinha, Advocates
For the State	:	Mr. Subhash Prasad Singh-GA3
	:	Mr. Indeshwari Pd. Mandal AC to GA3
For the BSRTC	:	Mr. Prabhat Kumar Verma, Sr. Advocate
	:	Ms. Divya Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04.05.2018

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

2. The present writ petition has been filed for the
following reliefs --

*“(i) For issuance of a writ of certiorari or any other
appropriate writ, order or directions for quashing the
unilateral and ex-parte order of the Chief Engineer,
Department of Urban Development, Government of*



Bihar, Patna contained in Memo No. 542 dated 31.03.2016 and consequential Letter No. 59 dated 24.01.2017 issued by him by which most arbitrarily and quite malafidely the admitted dues of the petitioner has been reduced from Rs. 46,82,579 (forty six lacs eighty two thousands five hundred and seventy nine rupees) to Rs. 30,55,591 (thirty lacs fifty five thousands five hundred ninety one rupees) and it has further been directed to recover an amount of Rs. 3,87,448 (three lacs eighty seven thousands four hundreds forty eight rupees) from the petitioner on the wrong allegation of excess payment.

(ii) For issuance of an appropriate writ, order or direction commanding the respondent to pay the admitted dues of the petitioner amounting to Rs. 12,39,539 (twelve lacs thirty nine thousands five hundred and thirty nine only) along with compound interest @ 10% per annum from the date of passing the bill by the respondents and from the date it became due along with an amount of Rs. 25,000 by way of litigation cost award by this Hon'ble Court in C.W.J.C. 22508 of 2014.

(iii) For issuance of an appropriate writ, order or directions for grant of ad-interim stay of the orders of the respondent no. 2 Chief Engineer contained in Annexure-1 and 1/1 of the writ petition, restraining the respondents from making any recovery from the petitioner in the name of excess payment.

(iv) For issuance of an appropriate writ, order or directions commanding the respondents for grant of any other relief or reliefs to which the petitioner may be



deemed entitled by this Hon'ble Court."

3. Learned counsel for the petitioner fairly accepts that the remedy by way of arbitration before the Bihar Public Works Contracts Disputes Arbitration Tribunal would be available for redressal of the present dispute.

4. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition stands disposed of with liberty to the petitioner to approach the Bihar Public Works Contracts Disputes Arbitration Tribunal as above.

5. It is made clear that in case the petitioner approaches the Arbitration Tribunal, the Tribunal would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.05.2018
Transmission Date	N.A.

