

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5356 of 2016

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Sunil Kumar S/o Late Lachhuman Prasad R/o Mohalla & P.O.- Takiya Ward
No.-3, P.S.- Sasaram (Model) District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development & Housing Department.
2. District Magistrate Sasaram cum Chair Person District Urban Development Agency (DUDA) Sasaram at Rohtas.
3. Executive Engineer, District Urban Development Agency (DUDA) Sasaram at Rohtas.
4. Assistant Engineer, District Urban Development Agency (DUDA) Sasaram at Rohtas.
5. Junior Engineer, District Urban Development Agency (DUDA) Sasaram at Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.S.Arora, Sr. Advocate

For the Respondent/s : Mr. Manoj Kumar Sinha, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

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

- (i) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondents to pay the admitted dues of the petitioner for which the petitioner was served with work order under different NIT published by the respondents regarding the scheme known as Mukhyamantri Nagar Vikas Yozna and thereafter the agreement for the completion of work was entered between the petitioner and the Executive Engineer, District Urban Development



Agency (DUDA), Sasaram, Rohtas (respondent no. 3) and thereafter the work was completed by the petitioner and the same was declared complete by letter no. 822 dated 12.12.2015 issued under the signature of Executive Engineer, DUDA, Sasaram at Rohtas (respondent no. 3) and further the petitioner has received almost 90% payment in agreement no. 9, Agreement no. 10 and agreement no. 23, whereas only 50% payment was made in the Agreement No. 18, Agreement no. 45, and Agreement No. 46 as such direction be given to pay the entire remaining dues with interest thereon since the respondent had got the work completed within the stipulated period but has considerably delayed the payment of works executed.

- (ii) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondent to direct the respondent to make payments along with admissible and appropriate interest too.
- (iii) That for issuance of appropriate writ, order or direction of writ in the nature of mandamus commanding the respondent to pay the 5% earnest money deposit by the petitioner at the time of submitting the bid in pursuance of NIT and further the same may kindly be directed to be returned along with appropriate interest thereon.
- (iv) That for issuance of appropriate writ, order of direction of writ in the nature of mandamus commanding the respondent to pay the 5% security deposit deducted from the bills of the petitioner



may kindly be directed to be paid to the petitioner since the work was declared completed by the agency (petitioner) as such direction may kindly be given to the respondents to pay 5% Security Deposit along with the appropriate interest thereon.

- (v) That responsible be punished for not making payment of the dues despite the fact that the petitioner completed the works satisfactorily since long back but the payment was illegal withheld for ulterior and illegal motive with mala fide personal interest to harass the petitioner and obtain illegal advantage and unlawful gain from the petitioner, when the work was completed within time and was declared complete by the respondent authority itself.
- (vi) That for grant of any other relief or reliefs to which the petitioner is found entitled in law be granted to him.

2. It is submitted that the petitioner has completed the entire works in terms of the six agreements between the parties. Even according to the report of the Executive Engineer, District Urban Development Agency (DUDA), Sasaram at Rohtas (respondent no. 3) the work of five agreements are admittedly complete whereas some part of the sixth agreement remains to be completed.

3. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Executive Engineer, District Urban Development Agency (DUDA), Sasaram at Rohtas (respondent no. 3) 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.

4. 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	16.01.2018
Transmission Date	NA

