

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11128 of 2018

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M/s S. K. Construction & Company, through its Partner Kushesh Prasad, son of Rajendra Prasad Sharma, resident of Mohalla- Belwaganj, PS- Laheriasarai, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Superintending Engineer, Building Construction Circle, Darbhanga.
3. The Executive Engineer, Building Construction Division, Darbhanga, District- Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nand Kishore Singh,
Mr. Jitendra Kumar, Advocates

For the Respondents : Mr. U.S.S.SINGH -GP19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-06-2018

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.

3. Learned counsel for the petitioner submits that pursuant
to an agreement entered into between the respondents, the petitioner
completed the work in question against which final bill for Rs.
41,18,306.28 has not been paid. The security and earnest amount has not
yet been refunded.

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, Building Construction Division, Darbhanga (Respondent No. 3) 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/Chandran

AFR/NAFR	NAFR
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