

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3958 of 2016

In
Civil Writ Jurisdiction Case No.3038 of 2015

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M/s Saj Infracon Project India Ltd. Through Its Managing Director, Namely
Akhilesh Kumar Jaiswal Son of Late Ram Narayan Lal resident of S - 401,
Udaygiri Apartment, Budh Marg, Patna, P.S. Kotwali, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna. namely Sri Pankaj Kumar son of not known to the petitioner
2. The Road Maintenance Cell, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Baily Road, Patna, namely Sri Ramesh Kumar Singh son of not known to the petitioner
3. The Engineer - in - Chief, Road Construction Department, Government of Bihar, Patna, Sri Laxmi Narayan Das son of not known to the petitioner
4. The Chief Engineer North Bihar Section Road Construction Department, Darbhanga. namely Sri Krishna Chandra Mishra son of not known to the petitioner
5. The Superintending Engineer, Saran Road Circle, Hajipur, namely Sri Rajeev Ranjan Prasad son of not known to the petitioner
6. The Executive Engineer, Road Construction Department, Road Division, Chapra, namely Sri Raj Kumar son of not known to the petitioner

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Adv. Mr. Chandan Kumar, Adv.
For the Respondent/s	:	Mr. Raj Ballav Prasad Yadav (AAG XI) Mr. Ashok Kumar Dubey, AC to AAG-XI

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

A supplementary show cause has been filed on behalf
of opposite no. 6. Annexure-H to the show cause is the office
order by which the various claims of the petitioner has been
considered and decisions with regard thereto have been taken.

Learned counsel representing the petitioner while



arguing the matter has drawn attention of this Court towards the claims in paragraph 4 and paragraph 5 as well as paragraph 6 and 16 of Annexure-H and submits that in fact the claims of the petitioner have been rejected without looking into the materials which were available on the record. It is submitted that the explanation furnished in paragraph 4 and 5 saying that the LD is virtually not the liquidated damage which has been deducted rather it is the amount on account of ordinary maintenance percentage wise deduction. Learned counsel submits that the claims of the petitioner have been rejected arbitrarily when this Court compelled the opposite parties to come with a reasoned order.

On the other hand, learned counsel representing the State submits that the learned Writ Court had directed to close the contract which has been done and the further direction was to pay the admissible amount, therefore, there was no adjudication by the learned Writ Court on the claims made by the petitioner. It is submitted that the reasons for rejection of the various claims of the petitioner have been shown in Annexure-H and since there is no adjudication on those issues by a competent Court or Tribunal, this Court may not go into the same at this stage.



Having heard learned counsel for the parties and on perusal of the record, this Court finds that the claims for which the petitioner is looking for have been rejected giving some reasons. Whether the reasons provided by the opposite parties are good or bad, cannot be gone into by this Court sitting in its contempt jurisdiction. The petitioner may seek his remedy in terms of the order of the learned Writ Court in appropriate forum and jurisdiction.

This application stands disposed off leaving open the right of the petitioner to agitate the claims in accordance with law.

Learned counsel for the petitioner has an apprehension that the question of limitation may be raised by the opposite parties if the claims are filed before the appropriate Court and Tribunal. At this stage, this Court would say that because the petitioner is agitating his claims regularly and continuously and the matter was subjudiced before the Court, same will be looked into by the Court and Tribunal where the petitioner may seek his remedy within a period of 30 days from today.

(Rajeev Ranjan Prasad, J)

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