

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17064 of 2016

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M/s Ramesh Prasad Gupta, A Proprietorship firm, through its Proprietor Shri Ramesh Prasad Gupta S/o Lakshman Prasad Gupta resident of Saraswati Bhawan, 104, Tari Mohalla, Ara, P.S.- Town Thana, Ara, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Shahabad Road Division, Ara.
5. The Union of India through th Regional Officer, National Highways Authority of India, D-63, Shri Krishnapuri, Patna-1.
6. The Regional Officer, National Highwayas Authority of India, D-63, Shri Krishnapuri, Patna-1.
7. The Project Director, Project Implementation Unit, Patna having its Office at D-63, Shri Krishnapuri, Patna-1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Adv
For the NHAI : Mr. A.B.Mathur, Adv
For the Respondent/s : Mr. Uday Bhan Singh, AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-03-2018

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. Learned counsel for the petitioner submits that despite having completed the contract works in terms of estimates



kept Annexure-1 series, an amount of Rs. 17,70,400/- remains outstanding for payment.

4. A counter affidavit has been filed on behalf of the State in which it is admitted that the repairing work has been executed by the petitioner according to specification of work and accordingly the Project Director, NHAI (respondent no. 7) was requested for allotment of funds to enable payment to the petitioner, but the allotment was not made despite subsequent letters/reminders.

5. Learned counsel for the respondent-NHAI appears, but however, no counter affidavit has been filed on its behalf.

6. Having regard to the nature of the grievance of the petitioner, this Court is of the view that the interest of justice will be met if the petitioner is granted liberty to approach the Project Director (Respondent No. 7) with a representation for redressal of its grievance. If any such representation is filed within a period of two weeks from the date of receipt/production of a copy of this judgment the same shall be considered and disposed of on its own merits in accordance with law. In the event that the petitioner is found entitled to the payment in question necessary allotment would be made without undue delay.

7. The writ petitions stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2018
Transmission Date	NA

