

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19193 of 2017

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M/s Kinwar Engicon (P) Ltd. through its Director namely Arbind Kumar Singh
Son of late Ramanand Singh, Resident of Mohalla - Mohaddinagar, P.S.
Babbargunj (Mojahidpur), District - Bhagalpur.

.... Petitioner

Versus

1. The Union of India through its Secretary, Department of Building Construction, New Delhi.
2. The Principal Secretary, Dept. of Urban Development of Housing, Govt. of Bihar, Patna at Bihar.
3. The National Building Construction Corporation Ltd through General Manager, NBCC Bhawan, Loodhi Road, New Delhi.
4. The Executive Director, NBCC Ltd, Vigor Tower, Action area- 1 CE-II, New Town, Rajarhat, Kolkata.
5. The Addl. General Manager, N.C.C. ltd., Zonal Office, Maurya Tower, Patna.
6. DMF, N.B.C.C. Ltd, Kankarbagh, Patna.

.... Respondents

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Appearance :

For the Petitioner	: Mr. Swapnil Kumar Singh, Advocate
For the State	: Mr. Abbash Haider - SC-6
For Respondent Nos. 3 to 6:	Mr. Arun Kumar, Advocate
For the Union of India	: Mr. Shyam Bihari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

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

2. The present writ petition has been filed for a direction to the respondents to make payment of the admitted dues amounting to Rs. 12,92,668/- which has been withheld by them.

3. At the very outset, learned counsel for the respondent-Corporation relies upon the counter affidavit to raise a preliminary objection with regard to the maintainability of the writ petition. It is pointed out that the petitioner had moved this Court in CWJC No. 5514 of 2017 which was disposed of vide judgment dated



24.07.2017 with the following observations and directions –

“4. Let the petitioner file a detailed representation before the Executive Director, National Building Construction Corporation Limited, who will be obliged to consider the representation of the petitioner and after examining the materials pay the admitted dues which the petitioner is entitled to.”

4. Learned counsel for the petitioner accepts the above position.

5. In the above view of the matter, this Court is of the view that the petitioner cannot be permitted to agitate the same issue repeatedly before this Court once the order has already been passed in this regard. Significantly, the petitioner has also not challenged the order dated 17.11.2017 issued by the respondent-Corporation by which it was informed that the petitioner’s bill could not be certified or approved for payment in absence of acceptance/settlement by the client.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.05.2018
Transmission Date	N.A.

