

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2758 of 2018

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M/s Divit Construction India Pvt. Ltd. through its Director, Amitabh Kumar, son of Ramjee Pandey, Resident of 225 3 Near Nehru Nagar Water Tank, Nehru Nagar, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar,
3. The Chief Engineer-2, Rural Works Department, Patna.
4. The Superintending Engineer, Rural Works Department, Work Division, Saharsa.
5. The Executive Engineer, Rural Works Department, Work Circle, Gogari, District- Khagaria.
6. The Assistant Engineer, Rural works Department, Work Circle, Gogari, District- Khagari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv
For the Respondent/s : Mr. AJAY -GA5
Mr. Rakesh Kumar Ranjan, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 05-04-2018

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 work an amount of Rs.



3,46,535/- remains outstanding for payment.

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 the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Executive Engineer, Rural Works Department, Work Circle, Gogari, Dist. Khagaria (Respondent No. 5) 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.

7 As regards grievance relating to debarment of the



petitioner, it is a separate cause of action and as such the petitioner is granted liberty to approach this Court with a duly constituted fresh writ petition, if so advised.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.04.2018
Transmission Date	NA

