

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4309 of 2018

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Amarpur Construction Co. Pvt. Ltd., a registered company having its place of business at Amarpur, P.S. Amarpur, District Banka, through one of its Director, namely, Santosh Kumar Kanodia, son of Sri Sahdeo Kanodia, resident of village Amarpur, P.S. Amarpur, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Works, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Rural Works, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Department of Rural Works, Govt. of Bihar, Patna.
4. The Chief Engineer-2, Department of Rural Works, Govt. of Bihar, Patna.
5. The Superintending Engineer, Department of Rural Works, Govt. of Bihar, Bhagalpur.
6. The Executive Engineer, Rural Works Division, Bhagalpur.
7. The Assistant Engineer, Rural Works Department, Sahkund, Bhagalpur.
8. The Junior Engineer, Rural Works Department, Sahkund, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv
For the Respondent/s : Mr. AJAY- GA5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

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 and the petitioner sought the following reliefs __

(i) For issuance of a writ or order or direction upon the respondents to pay the pending bills of the petitioner pertaining to both



the construction work and work of maintenance (till the 4th year of maintenance work) done by the petitioner in agreement no. 4F2 of 2012-13 which is admitted but not being paid without any rhyme or reason;

(ii) For a direction upon the respondents to also pay interest to the petitioner on the said amount of pending bills being adequate compensation for withholding of the bills for no reasons;

(iii) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that despite having completed the contract works in terms of agreement no. 4F2 of 2012-13 the bills remain outstanding for payment and for which representations dated 27.06.2017 and 23.09.2017 (part of Annexure-4 series) have been filed before the Executive Engineer, Rural Works Department, Rural Works Division, Bhagalpur (Respondent No. 6).

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, Rural Works Division, Bhagalpur (Respondent No. 6) 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.03.2018
Transmission Date	NA

