

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18588 of 2018

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M/s Siemens Construction Corporation, having Its Branch Office at B-9, Abhiyanta Nagar, P.O.-Ashiyana Nagar Patna-800025 through its authorised Signatory Prem Kumar, Son of Late Iswari Singh, Resident of Near Dairy Project, Phulwarisharif, P.S.-Phulwari Sharif, Distt.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest-cum-Additional Secretary, Environment and Forest Department, Government of Bihar, Patna.
3. The Principal Chief Conservator of Forest (Dev.), Environment and Forest Department, Government of Bihar, Patna.
4. The Infrastructure Development Authority, Bihar, Patna through its Managing Director.
5. The Finance Officer-Cum-I/C Director (Finance), Infrastructure Development Authority, Bihar, Patna.
6. The Chief Consultant (Tech), Infrastructure Development Authority, Bihar, Patna.
7. The Executive Engineer (Tech.), Infrastructure Development Authority, Bihar, Patna.
8. The Executive Engineer (P.D.A.), Infrastructure Development Authority, Bihar, Patna.
9. The Executive Engineer (B.O.T.) Infrastructure Development Authority, Bihar, Patna.
10. The Bihar State Pollution Control Board, through its Member Secretary, Parivesh Bhawan, Patliputra Industrial Area, Patna.
11. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Patliputra Industrial Area, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Adv.
Mr. Ashok Kumar Choudhary, Adv.
For the Pollution Board : Mr. Shinendra Kishore, Sr. Adv.
For the I.D.A. : Mr. Vikash Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2018

The present writ petition has been filed for following reliefs:-

- a) For issuance of a writ of mandamus commanding the Respondents to forthwith release the amount admitted by the Respondents to be paid to the Petitioner



- amounting to Rs.2,18,60,225/- [14th and Final Bill] pertaining to Agreement No. 79/SBD/2013-14 dated 05.10.2013 which has been withheld by the Respondents without any cogent, valid and legal reason.
- b) For a further direction to Respondent Authorities to refund the entire due security deposits deposited by the Petitioner along with deductions made during payment of interim bills for the work contract pursuant to Agreement No.79/SBD/2013-14 dated 05.10.2013 already completed by the Petitioner.
 - c) For a further direction upon the Respondents to release the above said admitted amounts without any further delay along with compound interest/simple interest as this Hon'ble Court may reasonably arrive to the conclusion or to which Petitioner are entitled to in the background and facts and circumstances of the case.
 - d) For a further direction to the Respondent that the pendency of the writ application will not in any manner serve as a hindrance in making over the full and final payment along with the interest as claimed hereinabove in as much as the Petitioner's only source of income and livelihood is wholly and solely dependent upon the payment of such bills which he undertakes as its pious profession."

In view of the nature of relief sought for by the petitioner in the present writ petition, this Court cannot be detained in disposing of the present writ petition and it would suffice if the petitioner is directed to approach the respondent no.1 by filing his detailed claim within a period of four weeks from today, which shall be considered by the respondent no.1 and disposed of within a period of eight weeks thereafter. It is ordered accordingly. It is further directed that the admitted amount of dues



payable to the petitioner shall be paid within a period of eight weeks of the disposal of the claim of the petitioner, failing which the same shall carry an interest at the rate of 18% per annum.

The present writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

BTiwary/Md. Rashid

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