

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2253 of 2019

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M/s A B C L Construction At Pachgachhi, P.S.- Balia Belon, District- Katihar through its partner Baidh Sharma @ Baidhnath Sharma, aged about 40years (male) S/o Sushil Sharma R/O Village Meenapur PS Balia Belon District Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Rural Works Department Bihar Patna
2. The Engineer in Chief Rural Works Department ,Bihar Patna
3. The Chief Engineer -2 Rural Works Department, Bihar,Patna
4. The Superintending Engineer Rural Works Department Work Circle Purnea
5. The Executive Engineer Rural Works Department works Division Barsoi,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr.Kameshwar Pd. Gupta (Gp10)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-04-2019 Heard learned counsel for the parties.

This writ application was initially filed for a direction to the respondents to pay the contractual dues of the petitioner amounting to Rs. 10,55,123/- with interest thereon as well as the amount of earnest money, security deposit/performance guarantee to the petitioner.

It was the grievance of the petitioner that pursuant to the work order issued to him, he had completed the given work by 02.12.2016. The contractual amount under the work was Rs. 57,44,184.32/-, out of which he was paid Rs. 46,89.061/- and remaining amount was withheld because of pendency of



inquiry in respect of the quality of the work done by the petitioner. It is submitted that now during the pendency of the writ application the amount has been paid to the petitioner recently.

At this stage learned counsel for the State has appeared and placed before this Court a counter affidavit stating therein that the petitioner has already been paid the remaining amount of Rs. 10,55,123/- and the matter for release of the earnest money and security deposit is under process and eight weeks' time has been prayed for, for purpose of releasing the earnest money and the security deposit in the matter.

Learned counsel for the petitioner submits that since the dues of the petitioner is in the nature of admitted dues, the respondents should be directed to pay interest thereon.

In the given facts and circumstance of the case where this Court finds that the bridge, which was constructed by the petitioner, was washed away within a short time and the State had to suffer the loss, this Court is not willing to direct payment of interest on the amount paid to the petitioner.

The State respondents are, however, directed to release the earnest money and security deposit/performance guarantee within a period of four weeks from today considering



that out of eight weeks time prayed by the State respondent on the date of affidavit sworn by the Executive Engineer of the Department, almost 5-6 weeks have already gone.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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