

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1332 of 2019

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M/s Vikash Construction, A partnership firm through its partner Vishwanath Rai, son of Late Ramjee Rai, Office at Miyachak, Sanichra Asthan, P.O. and P.S.- Begusarai, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The Bihar Police Building Construction Corporation Ltd. (P) through its Chief Managing Director, Kautilya Nagar, Patna- 14.
2. The Chief Engineer, the Bihar Police Building Construction Corporation (P) Ltd. through its Chief Managing Director, Kautilya Nagar, Patna- 14.
3. The Superintending Engineer, the Bihar Police Building Construction Corporation (P) Ltd. through its Chief Managing Director, Kautilya Nagar, Patna-14.
4. The Executive Engineer, Bhagalpur Division, Bihar Police Building Construction Corporation, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : AC to Mr.Y.C. Verma, Adv.
For the Respondent/s : Mr.Prasoon Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-01-2019 Mr. Prasson Sinha, learned counsel representing all

the State respondents is present.

This writ application has been preferred for setting-aside the communication as contained in Letter No. 1206 dated 16.08.2018 as contained in Annexure '16' to the writ application by which the Executive Engineer, Bhagalpur Division, Bihar Police Building Construction Corporation, Bhagalpur (Respondent No. 4) has rejected the claim of the petitioner for certain payments. A perusal of the impugned letter would show that the Executive Engineer had considered the claim of the petitioner in the light of the order of this Court passed in CWJC



No.11688 of 2017. He has referred the conditions of contract as provided in Clause 6 and 7 whereunder the nature of claims made by the petitioner cannot be allowed.

Even though, learned counsel for the petitioner submits that the petitioner is entitled for payment, Mr. Sinha, learned counsel representing the State respondents submits that in the nature of disputes, this writ Court may not exercise its power under Article 226 of the Constitution of India to adjudicate a disputed money claim.

This Court would agree with the submissions of Mr. Sinha, learned counsel representing the State respondents. This being a pure and simple money claim which is in dispute, the writ application cannot be maintained. It is, however, made clear that in case the petitioner wants to invoke the provisions of the SBD for resolution of disputes, he may do so before an appropriate forum.

The writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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