

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3437 of 2019

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Sanjeev Sharma, S/o Late Nand Bihari Sharma R/o Near Pandey Jee (Petrol Pump), N.H. 28, at and P.O.- Bhagwanpur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
2. The Engineer in Chief, Building Construction Department, Bihar, Patna
3. The Superintendent Engineer, Building Circle, Muzaffarpur
4. The Executive Engineer, Building Division, Muzaffarpur
5. The Assistant Engineer, Building Division, Muzaffarpur
6. Junior Engineer, Building Division, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
Mr. Raju Kr. Goswami, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-05-2019

Heard the learned counsel for the parties.

2. The petitioner has preferred this writ petition for a direction to the respondents for making him available the admissible dues amounting to Rs. 79,13,749/- along with the interest against the bill submitted by him for construction of Mediation Centre Building, Water Supply, Sanitation Work and approach road at Muzaffarpur in the year 2017-18.

3. It has been submitted on behalf of the petitioner that he was entrusted with the task of constructing the Mediation Centre Building, Water Supply,



Sanitation Work as also the approach road at Muzaffarpur for which an agreement was entered into in the year 2017-18. The petitioner got the work completed within time and no complaint has been raised with respect to quality of work. Some amount against the bill submitted by the petitioner has been paid but an amount of Rs. 79,13,749/- has not been paid to him despite the bill having been passed by the Executive Engineer, Building Division, Muzaffarpur. Learned counsel for the petitioner has submitted on instructions that the money was spent by the petitioner on the construction work after taking loan from various agencies on high rate of interest. There is no justification of withholding the payment for the work which has been done by him and which stands acknowledged by the concerned authorities. The representation preferred by the petitioner before the Principal Secretary, Building Construction Department, Government of Bihar, Patna has also yielded no result.

4. Under the aforesaid circumstances, this Court deems it appropriate to direct the petitioner to make a fresh representation before the Principal Secretary, Building Construction Department, Government of Bihar, Patna (respondent no. 1) within a period of six weeks from today who on receipt of the same shall verify the records



and thereafter shall pass/caused to be passed a reasoned order in accordance with law.

5. Needless to state that if the claim of the petitioner is found to be tenable, necessary order shall be issued for release of fund and payment of dues amount to the petitioner within a period of eight weeks of the receipt of such representation.

6. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.05.2019
Transmission Date	

