

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5772 of 2019

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M/s Arman Construction Birpur (Supaul), through its proprietor Arman, aged about 40 years, Gender -Male, Son of Bhola Das, Resident of Ward No. 09, Basantpur, Supaul, Bihar 854340.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Additional Chief Secretary, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
2. The Additional Chief Secretary, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
3. The Chief Engineer (Mechanical), Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna.
4. The Superintending Engineer (Mechanical), Irrigation Mechanical Circle, Birpur, Supaul.
5. The Executive Engineer (Mechanical), Irrigation Mechanical Division, Birpur, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate Mr. Bimlendu Shekher Thakur, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh (GA 2) Mr. Kunal Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-12-2019

Heard Mr. Saroj Kumar, learned advocate for the petitioner and Mr. Kunal Tiwari, learned advocate for the respondent-State.

This writ petition has been filed by the petitioner/company which had entered into contract with the respondent department of the Government for annual maintenance and repair work of mechanical components of



66 Numbers of Koshi Barrage Gates during financial year 2014-15, for payment of the balance amount of the work which was completed by the petitioner's firm within the stipulated period.

The payment apparently is being withheld because of non-supply of the used/replaced old materials and for the measurement book not having been signed by the authorized representative of the petitioner's firm.

However, in the counter affidavit it has categorically been stated that notwithstanding these objections, since the funding of the aforesaid contract work was not under any earmarked head but from an account which is generated for the purpose. Then, after the lapse of the financial years, no payment can be made without due enquiry as it forms part of the "*liability*" of the department.

The aforesaid stand of the respondent appears to be absolutely fair. If enquiry is being made with respect to the petitioner's firm having done its part of the contractual



obligation, such enquiry ought to be completed within a reasonable period of time, preferably within a period of four months of the passing of this order/production of a copy of this order before the concerned respondent.

Should it be found in the enquiry that the work according to the contract agreement has been performed by the petitioner, the balance payment ought to be made within a reasonable period of time after taking a decision in that regard.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2019
Transmission Date	

