

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11044 of 2019

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M/s Laxmi Civil Engineering Services Pvt. Ltd. 1148/E, Sykes Extension, Kolhapur-416001 through its authorized Signatory namely Mr. Bharteshwar Chandrakumar Tiwary @ Bharteshwar Tiwary, aged about 52 Years (Male), Son of Sri Chandra Kumar Tiwary, Resident of Mohalla-Bharat Nagar Amrawati Road, Yogi Raj Society, Maharashtra.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna-15.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna-15.
3. The Engineer-in-Chief, Flood Control and Water Drainage, Water Resources Department, Sinchai Bhawan, Patna-15.
4. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Gopalganj
5. The Superintending Engineer, Water Resources Department, Flood Control Circle, Padrauna.
6. The Executive Engineer, Water Resources Department, Flood Control Division No.2, Padrauna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Manish Sahay, Advocate Mr.Anil Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Kunal Tiwary, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-11-2019 After some arguments, what has been agreed between the parties is that in terms of the stand taken by the State-respondents in Paragraph '17' of their reply to the rejoinder on behalf of respondent no. 6, the petitioner shall submit his final bill as required under Clause 9 of the agreement. Upon submission of the bills the respondents have undertaken to consider the same and take a final decision



thereon.

The State-respondents have made certain allegations in their affidavit stating that the petitioner never repaired the major damages and those major damages were got repaired by other contractor under anti erosion scheme of the year 2018. The petitioner has disputed these averments of the State-respondents and submits that in fact a perusal of Annexure 'P-4' at page 96 of the writ application would show that a revised estimate was prepared by the Executive Engineer and Assistant Engineer on the basis of measurement of the actual work done by the petitioner. It is his contention that this revised estimate is yet to be considered and sanctioned by the department and in fact it is because of the inaction on the part of the department in not taking a decision on the revised estimate that the bills of the petitioner have not been paid.

This writ application is being disposed off without going into the merit of the contentions of the parties and with a clear understanding that once the petitioner submits the bills which on instruction, learned counsel for the petitioner submits that the bills will be submitted within a period of four weeks from today, the State-respondents shall consider the same and an appropriate decision will be taken thereon, keeping in view the



submissions of the petitioner based on Annexure 'P-4' to the writ application. Such decision must be taken within a period of 60 days from the date of submission of the bills and the admitted amount, if any, shall be payable to the petitioner within next 30 days.

In case the petitioner finds itself aggrieved by the decision of the State-respondents in the matter of payment of bills or any deduction therefrom it will be open for the petitioner to invoke the arbitration clause under the contract and pursue its remedy therein in accordance with law. All contentions are left open to the parties.

(Rajeev Ranjan Prasad, J)

vats/ved

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