

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25434 of 2019

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Sri Ram Yad Sah @ Ram Yad Sah S/o Late Ganga Prasad Sah resident of
Village- Moheshram, P.O.- Pirpaiti, P.S.- Pirpaiti, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Bishweshwaraiya Bhawan, Baily Road, Patna.
2. The Chief Engineer, Building Construction, Nirman Bhawan, Baily Road, Patna.
3. The Superintending Engineer, Building Construction Department, Bhagalpur, Bhagalpur.
4. The Executive Engineer, Building Construction Department, Division Banka.
5. The District Magistrate, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Nr. Singh-I, Advocate Mr. Jagannath Prasad, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha (SC 26)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-12-2019

The petitioner had participated in the State sponsored Fair under an agreement with the respondents but his final bill has not been cleared, despite sanction of the amount by the Building Construction Department, Banka Division. Notwithstanding two legal notices having been served upon the Executive Engineer, Building Construction Department, Banka Division, no steps have been taken up till now for payment of the rightful dues of



the petitioner. The petitioner has been informed that such payment has not been made because of paucity of funds and non-release/sanction of the dues by the Government Department.

This information is absolutely incorrect.

The learned counsel for the petitioner has brought to the notice of this Court the sanction letter for Rs. 1,06,43,163/- which includes the final claim of the petitioner. The aforesaid sanction letter dated 03.01.2019 is being kept on record. It clearly indicates that except for red-tapism or for reasons which are inexplicable to this Court, the payments have been withheld.

Since no response from the respondents has been elicited, this Court has some reservation in passing orders for payment of interest on such bill.

However, this Court directs that in case the final bill of the petitioner is without any cloud over it, it must be cleared by the respondents, particularly respondent no. 3 within a specified time frame, preferably within a period of



three months to be counted from the date of production of a copy of this order. Needless to state that if there is any dispute over the claim of the petitioner, necessary communication shall be made to him 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	20.12.2019
Transmission Date	

