

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8392 of 2019

Manoj Singh son of Shri Arjun Singh Resident of Village- Madhawpur Bairiya, P.O.- Amolwa, P.S.- Gaunaha, District- West Champaran at Bettiah, at present engaged as Govt. Contractor and Supplier in the Department of Road Construction Rural Works Development and Water Resources and Many other Development Departments of Government of Bihar at Different Areas in General and R.C.D., Sheohar, R.C.D., Madhubani, R.C.D., Muzaffarpur Division No. 2 in particular.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna- 800001.
2. The Chief Engineer, Road Construction Department, North Bihar Campus, Bishwasaraiya Bhawan, Bailey Road, Patna- 800001.
3. The Superintending Engineer, Road Constructing Department, Road Circle, Near Civil Court, Darbhanga- 846001.
4. The Superintending Engineer, Road Construction Department, Road Circle, Majipur, Muzaffarpur- 842001.
5. The Executive Engineer, Road Construction Division, Near Collectorate, Madhubani- 843319.
6. The Executive Engineer, Road Construction Division, Near Collectorate, District- Sheohar- 843329.
7. The Executive Engineer, Road Construction Division No. 2 at Mazipur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta, Advocate
For the Respondent/s : Mr. Raj Ballabh Prasad Yadav (AAG11)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-01-2020

The petitioner was entrusted with the task of completing the work against an agreement entered into between the parties. According to the petitioner, the entire work has been completed but some payment has been



withheld on the pretext of the petitioner not having completed the 100% work allotted to him.

Admittedly and from the own showing of the petitioner, major amount against the agreed amount has been paid to him. Only some amount is left to be paid for which the respondents have taken the plea that no work was done after part payment was made to the petitioner. It has also been urged on behalf of the respondents that after completing major part of the work, the petitioner himself showed his inability to complete the work and requested for closure of the agreement.

The aforesaid contention of the respondents has been disputed by the petitioner by way of supplementary affidavit in which it has been stated that all the work allotted to him under the agreement was completed but unauthorizedly, the payment has been withheld.

There appears to be dispute on factual aspects which cannot be adjudicated in the present writ petition.



However, this Court directs that in case the petitioner makes a representation before the Superintending Engineer, Road Construction Department, Road Circle, Muzaffarpur (respondent no. 4) with the details of the construction work done by him and the amount which is due against the work completed, the same shall be looked into verified and necessary orders shall be passed without any unnecessary delay.

Learned counsel for the petitioner has limited his prayer to the payment of the work done in the Muzaffarpur Division. With respect to other prayers, the petitioner seeks liberty to file another petition, which liberty is always available to the petitioner.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2020
Transmission Date	

