

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.529 of 2022

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M/s R.K. Construction through its Managing Director, Rajesh Kumar (Male),
aged about 59 years, Son of Sri Surender Singh, Resident of Mohalla Babu
Saheb Colony, Kabilpur, Laheriasarai, P.S. Bahadurpur, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources
Department, Government of Bihar, Patna.
2. The Engineer in Chief (North), Water Resources Department, Government
of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Darbhanga.
4. The Superintending Engineer, Western Kosi Canal Circle No.1, Water
Resources Department, Darbhanga.
5. The Executive Engineer, Western Kosi Canal Division, Darbhanga.
6. The Assistant Engineer, Western Kosi Canal Division, Darbhanga.
7. The Sub Divisional Officer II, Western Kosi Canal Division, Darbhanga.
8. Junior Engineer, Western Kosi Canal Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Prakash Verma, Advocate
For the Respondent/s	:	Mr.Anjani Kumar (AAG-4)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i. A writ in the nature of Mandamus or
any other appropriate writ or order or direction be
issued, directing and commanding the respondents
concerned to release the petitioner’s dues amounting
to Rs. 11 Lakhs against the execution of work namely
repair of work of bridge of Kakarghati canal in which

material have been used/consumed for completing the work as recorded by the Site Engineer in the Site Order Book.

ii. A writ in the nature of Mandamus or any other appropriate writ or order or direction be issued, directing and commanding the respondents concerned to take appropriate action against the erring officials for deliberately harassing the petitioner and causing financial hardships to the petitioner by retaining the amount of Rs. 11 Lakhs and also to pay the interest at the rate of 12% per annum on delayed payment of admitted amount of petitioner from the date of due till the date of realization of the amount.”

iii. Any other writ or order or direction to which the petitioner is found entitled by this Hon’ble Court may kindly be issued.”

The matter pertains to the year 2011/12 and the petitioner has approached this Court only on 23rd of December 2021.

The issue of justiceability of the petitioner’s claim for release of the amount for the work, civil in nature falls within the definition of works contract, as stipulated under the **Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008**. That apart, we find the present petition to be barred by delay and laches.

As such, the present petition stands dismissed on this ground.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	