

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4007 of 2020

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Classicon Construction (I) Pvt. Ltd. at 2nd Floor, J.J. Complex East Boring
Canal Road Patna through its Managing Director Deepak Kumar Sinha, S/o
Shree Shiv Shankar Sinha, Resident of 1A/2, Keshari Nagar, P.S.- Patliputra,
District and in the Town of Patna- 800024.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Urban Development and Housing
Department, New Secretariat, Bailey Road, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok
Complex, Budha Marg, Patna 800001.
3. The Chief Engineer, Patna Municipal Corporation, Maurya Lok Complex,
Budha Marg, Patna 800001.
4. The Executive Engineer, Patliputra Division, Patna Municipal Corporation,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Dayal Singh, Advocate
For the Respondent/s : Mr.Subash Prasad Singh (Ga3)

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 28-04-2022 The present writ petition has been filed for directing

the respondents to release the admitted outstanding dues for the

work done.

This Court had earlier sought for personal
appearance of the Principal Secretary, Building Construction
Department, Government of Bihar, Patna, in a writ petition
bearing C.W.J.C. No. 16088 of 2021 and a statement was
recorded on 9.3.2022. Certain observations were made by this



Court. It was also observed that this Court expects all the Departments to follow the same pattern as regards payment of admitted dues. Relevant paragraphs of the said order dated 9th of March, 2022, is reproduced below:-

“ We have a bunch of cases where same question is involved regarding harassment caused to the common citizen in making timely payment despite the dues being admitted by the Department.

Mr. Kumar Ravi, Secretary, Building Construction Department, Government of Bihar, Patna is present today before us. He has assured the Court that necessary instructions shall be issued formaking it mandatory that admitted dues are paid as soon as it became due, in any case, not later than one month or within the statutory period provided for in the Contract. In case, there is an inordinate delay, the action of the Officer shall be departmentally inquired into, if necessary with the help of the Vigilance Department. In those cases, where the Court imposes interest for delayed payment beyond a particular period, the same shall be deducted from the salary of the Officials responsible for delay. He, however, assures that a copy of this order shall be handed over to the Chief Secretary, Government of Bihar,



Patna. We expect that the same pattern shall be followed in other departments as well.

Personal appearance of Mr. Kumar Ravi, Secretary, Building Construction Department, Government of Bihar, Patna is exempted for the next date of hearing.”

In light of the aforesaid order dated 9.3.2022 passed in CWJC No. 16088 of 2021, the present writ petition is also disposed off in similar terms with a direction that the Respondents shall forthwith make payment of the admitted outstanding dues to be paid to the petitioner, in any case not later than four weeks from today. It is further directed that in case, any claim of the petitioner is disputed or does not find favour with the Respondent authorities, a reasoned order shall be passed within the same time frame and duly communicated to the petitioner.

At this juncture, the learned counsel for the petitioner has submitted that though the petitioner has not raised his grievance regarding the letter dated 26.06.2021, issued under the pen and signature of the Chief Engineer, Patna Municipal Corporation, Patna terminating the on-going contract work/ agreement in question, in the main writ petition but he has filed an interlocutory application challenging the same. Nonetheless,



it is submitted that liberty may be granted to the petitioner to avail such alternative remedy as are available under the law for the purposes of assailing the said order/ letter dated 26.06.2021.

Liberty so sought, is granted.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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