

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6486 of 2021

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M/s Mehendiya Construction Pvt. Ltd. Through its Managing Director Sri Manish Kumar, Son of Late Shatrughan Singh, residence of village-Mehendiya, PO-Jaipur, PS-Mehendiya, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. Engineer-in-Chief (Flood Control and Water Drainage Department), Water Resources Department, Government of Bihar at Patna.
3. Chief Engineer, (Flood Control and Water Drainage Department), Water Resources Department, Government of Bihar at Patna.
4. Superintending Engineer, (Flood Control and Water Drainage Circle), Gaya and Department of Water Resources Gaya.
5. Executive Engineer (Flood Control and Water Drainage Division) Water Resources Department, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 28-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. It is the petitioner's case that the petitioner was awarded work of renovation of Jalalpur *Jamindari Bandh* for an estimated cost of Rs. 62,45,327/-. The petitioner's offer to finish the work below 15% of the scheduled rate was accepted and



accordingly work was awarded to it. An agreement was entered into between the petitioner on 11.03.2010 and the Executive Engineer for the State Government of Bihar.

3. It is the petitioner's case that it performed total work worth Rs. 58,13,920/-. It is his grievance, however, that only part payment has been made and full payment against the work done by the petitioner has not been made by the respondents.

4. Learned counsel appearing on behalf of the petitioner has argued that the work was completed in 2011 and for the purpose of maintenance of the said *Bandh*, as per the agreement 5% of the amount was to be retained by the respondent-State of Bihar. He has submitted that despite representations having been made to the concerned authorities, payments have not been made to the full satisfaction of the work completed by the petitioner. He further submits that the final bill submitted by the petitioner in 2011 and passed in 2013 has not been cleared so far.

5. This writ application has been filed on 03.03.2021. Except for the statement that the petitioner had filed representations before the Executive Engineer, there is absolutely no explanation for delay of nearly 10 years in



approaching this Court. It further appears from the pleadings on record that the first representation, which the petitioner had made before the concerned Executive Engineer, was of 22.01.2020. Apparently, the petitioner did not take any step for payment of so called admitted dues nearly seven years after the bill was passed according to him.

6. In our considered view, this application deserves to be dismissed on the ground of delay and laches and is dismissed accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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