

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8707 of 2021

=====

Rajeev Kumar Son of Gyanchand Prasad Sinha Resident of Mohalla -
Mohanpur, Punaichak, P.S. - Sastrinagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, South Bihar Circle, Building Construction Department, Patna.
3. The Executive Engineer, Central Division, Building Construction Department, Patna.
4. The Assistant Engineer - cum - sub Divisional Officer, Secretariat Sub Division, Building Construction Department, Patna.
5. The Junior Engineer, Old Secretariat Section, Secretariat Sub Division, Building Construction Department, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Jha, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
For the State	:	Mr. Amit Prakash, G.A.-13, Mr. Ravi Bhardwaj, AC to GA-13

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 Petitioner has prayed for the following reliefs:-

“(i) For issuance of writ in the nature of certiorari to quash the order dated 14.10.2020 whereby Reference Case No. 31 of 2020 filed by the petitioner for payment of admitted dues against the work done by him, before the Bihar Public Works Contracts Dispute Arbitration Tribunal has been

dismissed on ground of maintainability.

(ii) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted legitimate dues of petitioner lying with the respondent department to the tune of Rs. 796170/- with interest as petitioner has executed the allotted work in year 2017 which was allotted to him vide Agreement no. 127 H2 of 17-18 but even after completion of work, petitioner has not been paid single penny on account of work done by him.

(iii) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted dues with compound interest @ 18% per annum compounded monthly and all cost, charges and expenses of incurred by the petitioner alongwith cost of litigation.

(iv) For issuance of writ in the nature of mandamus for directing the respondents for payment of due amount within a time frame as petitioner is facing financial crisis since long due to the unwillingness of the respondent department in payment of admitted legitimate dues of the petitioner lying with the department.

(v) For any other relief/reliefs to petitioner is entitled for.”

The short point which arises for consideration is as to whether the work executed by the petitioner would fall within the definition of the “Works Contract”, as defined under the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 or not?

As prayed for, let reply be filed by the respondents positively within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

List this case on 28th of February, 2022.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

pravinkumar/-

U		T	
---	--	---	--