

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13711 of 2021

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Kingspan Jindal Pvt. Ltd. (Formally Known as Jindal Mectec Pvt. Ltd.)
Having its Corporate office at Old Manesar Road, Narsinghpur, Gurgaon-122004, State- Haryana, through its authorized Signatory Satyendra Kumar Pandey, aged about 38 Years (Male), son of Ram Krit Pandey, Resident of LD-97, A.D.A Colony, P.O. and P.S.- Naini, District- Allahabad (Now Prayagraj), State Uttar Pradesh- 211008.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
2. The Principal Secretary Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
3. The Engineer-in-Chief-cum- Additional Commissioner-cum- Special Secretary Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
4. The Chief Engineer (South Wing) Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
5. The Superintending Engineer Building Construction Department, Building Circle, Near Kedarnath Market, Gaya- 823001.
6. The Executive Engineer Building Construction Department, Building Division, Nagar Thana Road, Nawada- 805110.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Manish Sahay, Advocate
For the Respondent/s : Mr Amit Prakash, GA XIII

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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 05-05-2022

Heard learned counsel for the parties.

The petitioner is seeking following reliefs in the
present writ application:

***“(i) For commanding and directing
to concerned respondent to pay a sum of Rs***



4,50,000/- (Rs Four Lakhs Fifty Thousand Only) in favour of the petitioner on account of executed work namely “Construction of Pre-Fabricated/Pre-Engineered district Registration -cum- counselling centre including civil electrical, water supply, sanitary and furnishing etc for the year 2016 – 17” at Nawada, one unit of 21 counters, because after taking work from the petitioner, respondents are still silent over the matter regarding payment to the petitioner.

(ii) For further direction upon the concerned respondent to pay a sum of Rs 48,68,059/- (Rupees Forty Eight Lakhs Sixty Eight Thousand Fifty Nine Only) in favour of the petitioner on account of extra works taken by the respondents because payment of the same could not be made available to the petitioner.

(iii) For further direction upon the concerned respondent to pay a sum of Rs 36,21,000/- (Rupees Thirty Six Lakhs Twenty One Thousand Only) in favour of the petitioner, which has been deposited by the petitioner “under head of “Service Tax” in pursuant of aforesaid work.

(iv) For further direction upon the concerned respondent to pay interest @ 18% pa over entire payable amount from the date of its due and till the date of its realization.

(v)

(vi)”

A counter affidavit has been filed on behalf of the State of Bihar from which it is evident that the first claim of the petitioner has been admitted and steps have been taken to pay an amount of Rs 4,50,000/-. In respect of other claims, the



Respondent-State of Bihar has specifically denied the petitioner's entitlement.

Learned counsel appearing on behalf of the petitioner, in such view of the matter, seeks this Court's liberty to approach appropriate forum including the forum of arbitration, if permissible to ventilate his grievance in respect of the claims, which have not been admitted by the State of Bihar.

This application stands disposed of with the aforesaid liberty in the facts and circumstances, as stated above.

The Court expects that the amount, which has been admitted to be payable to the petitioner, must be paid to him within two months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

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