

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.248 of 2022

M/s Raghbir Singh, through its working partner Mr. Raghubar Singh, Son of Late Sunder Singh, Resident of Village-Kamta Chak, P.O.-Mittan Chak, P.S.-Gopalpur, District-Patna, at present Resident of Mohalla-Laljee Tola, Jitendra Bilash Bhawan, Flat No. 202, P.O.-G.P.O., P.S. Gandhi Maidan, District-Patna.

... .. 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, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
4. The Chief Engineer (South), Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
5. The Superintending Engineer, Building Construction Department, Building Circle, Gaya.
6. The Executive Engineer, Building Construction Department, Building Division, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Sahay, Advocate
For the Respondent/s : Mr.Manoj Kumar Ambastha (SC 26)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 18-02-2022 Petitioner has prayed for following relief(s) : -

“(i) For commanding and directing to the concerned respondents to pay a sum of Rs.59,70,673/- (Rupees Fifty Nine Lakh



Seventy Thousand Six Hundred Seventy Three) only to the petitioner against 3rd Running Account Bill relates to work namely "Construction of (90 Bedded) A.N.M. Hostel Cum School Building 2 Blocks (2X8=16 Qtr.) Nurses Qtr. and Superintendents Qtr. At A.N.M.M.C.H., Gaya for the year 2013-14" because after taking work from the petitioner respondents are silent over the matter of payment of said work done amount.

(ii) For further directing the concerned respondent to pay extra work done amount of (Rs.4,55,430/- + Rs.6,33,236/) = Rs.10,88,666/- (Rupees Ten Lakhs Eighty Eight Thousand Six Hundred Sixty Six) only in favour of the petitioner because respondents had taken some of sanitary and electrical work in the said building which was not part of the agreement.

(iii) For further directing the concerned respondent to pay entire amount of security deposit (Deposited & Deducted) in favour of the petitioner relates to said work, because the department has not interested for completion of said work since long back.

(iv) For further commanding the concerned respondent to pay interest @ 12% per annum over entire payable amount from the date of its due and til the date of its realization.

(v) For grant of any other relief or reliefs for which the petitioner is entitled under the law in the facts and circumstances of this case."

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the



appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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