

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24184 of 2019

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Ranjit Kumar Singh S/o Sri Keshav Narayan Singh R/o-Vil. and Post-Ratanpur, P.S.-Kamtaul, Dist-Darbhanga-847307.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Work Department, Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief, Cum Special Secretary, Rural Work Department, Bihar, Bishweshraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, R.W.D., North Bihar, Darbhanga at Bishweshraiya Bhawan, Bailey Road, Patna.
4. The Ex. Engineer, R.W.D., Work Division, Darbhanga-2,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate Mr. S.B. Singh, Advocate Mrs. Usha Kumari, Advocate
For the Respondent/s	:	Mrs. Archana Meenakshee, GP-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 14-12-2022

Petitioner has prayed for the following relief(s):-

- i. For issuance of a writ in the nature of mandamus commanding the respondents to refund the dues Security deposit amount about Rs. 7,45,854.00 which has been deducted from the work done bill of petitioner by respondent Ex. Engineer and return EMD of Rs. 3.70 Lakh & Rs. 5.79 Lakh /10% penalty Rs. 8,56,659.00 for extension of time (EOT) deducted without show cause notice and other dues.



- ii. For direction to the respondents to sanction the time extension and pay and along with interest @ 18%, and issue the completion certificate of the work as the same has not been issued by the respondents deliberately. The petitioner was awarded the road work of Rs. 1,65,34,000.00 under PMGSY scheme vide 15 SBD/2014-15 dated 17.10.2014 and work completed on 22.12.2016 despite completion of the work the petitioner was not paid S.D/PSD and returned EMD/EOT till now. Though petitioner completed the work in question by arranging the fund from the Bank and market on commercial interests(Compounding) @ 16 % , hence the petitioner may be justifiably required to be paid the above dues with interest as prayed, and after so many request of the petitioner, S.D/PSD/EMD/Performance security/EOT has not been paid/returned to petitioner which was deposited at the time of bidding and the completion with maintenance report was issued by SQM despite the respondents have been sitting idle over the file and payments .
- iii. For directing the respondents/state authorities to take cognizance seriously for the payments of above dues SD/PSD/EMD/ EOT to the petitioner for which petitioner is entitled under the agreement which is likely to be paid under the state respondents for delay of the other contractual works, till the entire dues with interest @ 16 % is not paid, as due to their deliberate laches, the payment of such huge amount is delayed, which has caused delay in execution of the other works, for which the petitioner cannot be penalised.
- iv. For granting any other relief/reliefs for which the petitioner may be found entitled in the eye of law.

Learned counsel for the petitioner seeks permission to withdraw the present petition.

Permission granted.

The instant petition stands disposed of as withdrawn.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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