

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1864 of 2019

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Awadhesh Kumar Singh Son of Late Ram Rashik Singh, Proprietor of M/a Awadhesh Kumar Singh, presently residing in his own Village- Sirsi, Post office- Sirsi Dihra, Via- Harnout, Police Station- Harnout, District- Nalanda.

... .. Petitioner/s

Versus

1. The Head (Project) Incharge/ the Assistant General Manager and Ors Hindustan Steel Works Construction Limited UNIT, Land Development Bank Building, 3rd Floor, Budh Marg, Patna- 800001.
2. The Assistant General Manager, Hindustan Steel works Construction Limited its Registered office, P. 34 A, Gariahat Road (South) Kolkata- 700031.
3. The Chairman-cum-Managing Director, Hindustan Steel works Construction Limited, Corporate office- 5/1, Commissariat Road, (Hastings), Kolkata- 700022.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Narayan, Sr. Advocate
		Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s	:	Dr. Pankaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

15 11-07-2023

Instant petition has been filed for following relief :

“1. That the instant writ petition is being filed on behalf of the petitioner in view of passing an Order of this Hon'ble Court with effect from 08.08.2018 (annexure-13) in his Miscellaneous Judicial Jurisdiction bearing M.J.C No. 703 of 2017, arising out of C.W.J.C No. 4778/2013



and since the denial of petitioner's sustainable demands of payable his retained security amount of Rs. 15,52,088/- as deducted from his Running Bills, which has been forfeited by passing an order dated 16.04.2018 of the Respondent/Opposite Party, whereat the petitioner has been given a "LIBERTY" to "Agitate against the reasoned order dated 16.04.2008 passed by the Opposite Party, rejecting the claim of the petitioner" and in response of the said rejecting the bonafide and quite admissible the Genuine claim pertaining to REALIZATION of coercively and perversely retained his payable deducted/deposited Security amounts of Rs. 15,52,088.00 from his running Bills, which has illegally and malafidely been forfeited through annexure 13 which having been challenged by filing the instant Writ petition before this Hon'ble Court for redressal his quite Genuine grievance of payment his withheld so incurred sum of Rs. 14,44,079/- which is wrongly forfeited on the coercive and perversive as well as unjustified part



of the Authority/Opposite Party and the same is liable to be set aside/Quashed by issuance of an appropriate writ of Certiorari of this Hon'ble Court under Justice and Equity as well as under Conformity with Law.”

2. Perusal of the impugned Order, it is evident that there were certain disputed issues relating to execution of work to the fullest extent. The concerned respondent is stated to have settled the petitioner's due with reference to number of RA bills and further in not executing the work to some extent, proceed to forfeit certain amount.

3. Having regard to the disputed issue, the Writ Court cannot interfere.

4. Accordingly, Writ Petition stands dismissed, reserving liberty to the petitioner to invoke remedy before appropriate forum.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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