

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3303 of 2023

M/s Star Construction, Balua Tal Motihari, East Champaran, P.S.- Nagar Town, District- East Champaran, through its Managing Partner Pervez Ahmad Khan, aged about 50 years, Male, son of Haseen Ahmad Khan, Resident of- 209, Balua Tal Motihari, East Champaran, P.S.- Nagar Town, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
4. The Senior Project Engineer, Road Division, Bihar Rajya Pul Nirman Nigam Limited, Patna.
5. The Superintendent Engineer, Rural Works Department, Motihari.
6. The Executive Engineer, Rural Works Department, Motihari (I.R.Q.P. of NH-104 Km 0 to 12).
7. The Assistant Engineer, Rural Works Department, Motihari.
8. The Junior Engineer, Rural Works Department, Motihari.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the Respondent/s : Mr. Kumar Alok, SC-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case is seeking the following reliefs:-

- “i. For issuance of direction to the respondent authorities to pay the admitted dues of penalty amount imposed on the petitioner with respect to Agreement No. 04/2009-10, work namely construction of I.R.Q.P. of NH-104 Km 0 to 12.
- ii. For issuance of direction to the respondent



authorities to return the penalty amount imposed on the petitioner as the petitioner admittedly executed the entire work but till date his penalty amount has not been returned.

iii. The petitioner further prays for issuance of direction to the respondent authorities to pay adequate interest upon the aforementioned dues of the petitioner.

iv. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

Learned counsel for the petitioner submits that vide Letter No. 363 dated 12.06.2015, the Executive Engineer, National Highway Road Division, Motihari has written to the Senior Project Engineer, Bihar Rajya Pul Nirman Nigam Limited, Road Division, Patna that as per Clause ‘2’ of the Standard Bidding Document (SBD), the amount deducted from the 11th on A/c bill of the petitioner, towards penalty may be refunded but despite receipt of the said letter, the Senior Project Engineer of Bihar Rajya Pul Nirman Nigam Limited has not acted.

Mr. Kumar Alok, learned SC-7 for the State is present. It is submitted that at this stage, the claim of the petitioner cannot be accepted unless it is duly examined by the competent authority.

Having regard to the submissions noted hereinabove, this writ application is disposed of with a direction to the respondent no. 4 to look into the Letter No. 363 dated



12.06.2015 of the Executive Engineer, National Highway Road Division, Motihari, examine the same and take an appropriate decision in accordance with the terms and conditions of the SBD agreement and other relevant rules.

Let such a decision be taken within a period of three months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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