

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3819 of 2023

Laksh Grih Contract Pvt. Ltd. having its registered office at Masanthana, P.O. Jodopur, District Gopalganj, Bihar through its Managing Director Suresh Singh, aged about 66 years, Male, son of Pahwari Singh, Resident of Masanthana, P.O. Jodopur, P.S. Jodopur, District Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Irrigation Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Irrigation Department, Gopalganj, Bihar.
4. The Executive Engineer, Minor Irrigation Division, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate Mr.Chandan Kumar, Advocate
For the Respondent/s	:	Mr.Anirban Kundu (Sc 24)

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

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

3 06-04-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(i)Quashing of the letter No. 1994, dated 31.12.2019, issued by the Executive Engineer, Minor Irrigation Division, Gopalganj by which the petitioner has been directed to submit the No objection/Cleanliness Certificate by the Commercial Taxes Department for releasing further payment in connection with Agreement No. 01F2 of 2015-16, dated 26.06.2015 notwithstanding the fact that the Agreement has already been executed and the work stands completed;



(ii) Commanding upon the Respondent to issue the completion certificate of the work in connection with Agreement No. 01F2 of 2015-16, dated 26.06.2015;

(iii) Releasing the amount of Rs. 5 Lacs and odd which has been deducted by the Respondent as a Security deposit from various Running Account Bill of the petitioner;

(iv) Restraining the Respondents from proceeding further in connection with letter bearing Memo No. 1994, dated 31.12.2009 against the petitioner during the pendency of instant writ application.”

Moot question for consideration in the present petition is whether the petitioner was required to submit No Objection/Clearance Certificate issued by the Commercial Tax Department for releasing balance payment or not?

Inadvertently, the official respondents have not demanded the aforementioned certificate as and when agreement was entered into between the official respondent and the petitioner. Once petitioner has executed the work and thereafter, the official respondent cannot demand such certificate as there is no fault on the part of the petitioner. In fact, fault was on the part of the official respondent in not demanding the aforementioned certificate at the time of executing the agreement.

In the light of these facts and circumstances, the



petitioner has made out a *prima facie* case so as to interfere with the impugned order dated 31.12.2019 *vide* Letter No. 1994 issued by Executive Engineer, Minor Irrigation Division, Gopalganj which is hereby set aside.

The concerned respondent/s are hereby directed to settle all dues of the petitioner within a period of three months from the date of receipt of this order in accordance with law.

Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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