

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4488 of 2023

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M/s Pankaj Construction Mahabir Asthan, Gourakshani, P.O. Sasaram, P.S. Sasaram, District- Rohtas at Sasaram through the Proprietor Arvind Kumar Singh (male), aged about- 58 years, son of Late Shachidanand Singh, resident of House No. 118, Gali No. 15, Sasaram, P.O. Sasaram, P.S. Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer-in- Chief, Building Construction Department, Government of Bihar, Patna.
3. The Chief Engineer (South), Building Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Building Construction Department, Building Circle, Ara.
5. The Executive Engineer, Building Construction Department, Building Division, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Syed Iqbal Ahmad, SC-20
		Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 19-04-2023

Heard learned counsel for the parties.

2. The petitioner, by way of this writ petition, has prayed as under:-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of due and admitted contractual amount of the petitioner against the



construction of Industrial Training Institute Building at Dhankada, Sasaram in the District of Rohtas for which a sum of Rs.3,71,91,746/- (Rupees Three Crores Seventy One Lacs Ninety One Thousand Seven Hundred Forty Six only) has already been sanctioned by the department vide its letter contained in memo no.691 dated 28.01.2023 and though a copy of the aforesaid letter of the Department had also been communicated to the Respondent no.5 for his information and necessary action, the Respondent no.5 is not prepared to release the said money in favour of the petitioner for totally extraneous reasons /considerations.

(II) For a declaration that if in view of the agreement signed in between the petitioner and the Respondent no.5 on behalf of the department, the petitioner had already completed the construction work within time and the building has been handed over to the Incharge Principal, Government Industrial Training Institute, Dhankada, Sasaram on 27.04.2022 itself, the action of the Respondent no.5 retaining the money already granted by the department for its payment to the petitioner is thoroughly illegal and for illegal retention of money for a long time, the Respondent no.5 is personally liable to compensate the petitioner by payment of interest on the delayed payment.

(III) For issuance of any other appropriate writ/writs order/ orders, direction/directions for which the writ petitioner



would be found entitled under the facts and circumstances of the case.”

3. In view of the detailed judgment dated **19.04.2023**, passed in **C.W.J.C. No. 4144 of 2023 (Kaushalendra Kumar Singh Vs. the State of Bihar & Ors.,)**, the present writ petition is dismissed with the liberty to the petitioner as given in **C.W.J.C. No. 4144 of 2023**(supra).

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 27

AFR/NAFR	
CAV DATE	
Uploading Date	21.04.2023
Transmission Date	

