

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17160 of 2015

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M/s Genius Construction Laxmipur Andar Dhala Siwan, through it Partner
Vinay Kumar Pandey, S/o Mr. Bharat Pandey, Laxmipur Dhala, Siwan, P.S.
and District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Engineer, Water Resources Department, Siwan
3. The Superintending Engineer, Flood Control Circle, Gopalganj
4. The Executive Engineer, Flood Control Division, Siwan
5. The Sub Divisional Officer Flood Control Sub - Division, Siwan
6. The Junior Engineer, Flood Control Sub - Division, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr.Sc11- Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-05-2023

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

"(i) For issuance of writ in the
nature of certiorari for quashing of the order
issued vide memo no. 512 dated 28.02.2014
contained in Annexure-4 whereby and
where under the Chief Engineer Water
resource department, siwan (respondent no.
-2) rejected the petitioner's application
dated 02.12.2013 without considering the
reason for delay in completing the tender
work.



(ii) Further to quash the order issued vide memo no.- 644 dated 7.7.2015 by the respondent no. 2 and communicated vide memo no 594 dated 9.7.2015 (Annexure-6) by the Executive Engineer (respondent no-4) whereby and whereunder the application dt. 5.7.14 of the petitioner for reconsideration was rejected again on the same ground.

(iii) Further for issuance of writ in the nature of mandamus commanding/directing the respondent to pay the remaining amount i.e. 10% of the estimated cost Rs. 346.309 lacs i.e. Rs. 25,00,000 (approx) to the petitioner as the work allotted to the petitioner during the time and extended time approved by the Executive Engineer as well as the superintending Engineer.

(iv) And further for any other relief/reliefs for which the petitioner is entitled to."

3. Even though the petitioner has assailed the communication of rejecting extension of time to execute the work, however, department has permitted the petitioner to execute and complete the work. Then what remains is insofar as certain dues to be paid by the concerned respondent to the petitioner. In this regard, petitioner is hereby directed to file a detailed representation to the concerned authority. The concerned authority may examine, if legally petitioner is entitled such dues shall be settled. If petitioner is still not satisfied in that event petitioner is at liberty to invoke appropriate remedy in filing civil suit or arbitration whichever



remedy is available to the petitioner.

4. Accordingly, the present petition stands disposed
of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

