

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17198 of 2015

=====

M/s Deonarayan Pawan and Co. Pvt. Ltd. S/o Late Babujee Yadav, R/o
Village- Parmanandpur, P.S.- Shri Nagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Engineer-in-Chief North, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Purnea.
4. The Superintending Engineer, Canal Circle, Purnea.
5. The Chief Engineer, Water Resources Department, Saharsa.
6. The Superintending Engineer, Canal Circle, Water Resources Department, Saharsa.
7. The Executive Engineer, Irrigation Division, Water Resources Department, Raghapur, Supaul.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Diwanshu Kumar, Adv.
For the Respondent/s : Mr. Abbas Haider, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 17-10-2023

Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the

following reliefs:-

- “(i) For a direction to the Respondents to make payment of 5 percent earnest money, 5 percent security deposit and other deducted amount from the bills and withheld by the Respondents for work carried out by the petitioner-company under work order of Executive Engineer, irrigation Division, Water Resources Department, Raghapur, Supaul.*
- (ii) For a direction to the respondents to pay the withheld amount tot he petitioner along with penal interest @ 12 per cent P.A. till the date of payment the delay caused in the payment of his legal dues.*
- (iii) Further for a direction to the respondents to also pay the cost of litigation thrust upon the petitioner-company.*

3. Learned counsel appearing on behalf of the



petitioner has stated that though the petitioner has completed the works and submitted the bills, the authorities concerned have not released the 5 per cent earnest money, 5 per cent security deposit and deducted other charges from the bills. That the act of the respondent in withholding the above money is contrary to the settled principle of law. Learned counsel has stated that the authorities without putting the petitioner on show cause notice have unilaterally withheld the amounts payable to the petitioner. Therefore, the learned counsel seeks indulgence of this Court to direct the respondent to pay the above said amounts. Learned counsel has relied on the judgement of this Hon'ble Court in CWJC No. 395 of 2016 dated 16.07.2018.

4. Learned counsel appearing on behalf of the respondents has stated that the authorities duly taking into consideration the fact that the petitioner has not completed the works within the stipulated time have withheld the earnest money and the security deposit that the entire bill amount payable to the petitioner has already been paid except the above mentioned amounts. However, learned counsel for the respondents has stated that the petitioner was not given any show cause notice nor any order of withholding the above said amounts have been passed by the authorities concerned.



5. Having regard to the same, in case, the authorities want to withhold the amount they are obligated to put the petitioner on notice and call for an explanation as to why the above stated amounts should not be withheld by them. On such show cause notice being issued, the petitioner shall file his explanation within a period of two weeks from the date of the receipt of the copy of the show cause notice. The authorities concerned are directed to pass necessary orders within a period of four weeks thereof.

6. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

7. With the above direction, the present Writ Petition stands **disposed off** to the extent indicated.

(A. Abhishek Reddy , J)

shakir/-

U			
---	--	--	--

