

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6949 of 2019

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Kamladitya Construction Pvt Ltd. registered under the Companies Act, 1956, having its office at Plot No. 201, Co-operative Colony, Bokaro Steel City, Bokaro (Jharkhand)- through its authorized signatory, Vinod Kumar Singh, Son of Late Krishna Deo Narayan Singh @ Lalan Singh, Resident of Rampur, Noornagar, P.O. and P.S.- Jalalpur Bazar, District- Chapra (Saran)- at present residing at 201, Co-operative Colony, Bokaro Steel City, Bokaro, Jharkhand-827001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. Engineer-in-Chief, Headquarters, Water Resources Department, Government of Bihar, Patna.
4. Chief Engineer, Water Resources Department, Siwan.
5. Superintending Engineer, Planning and Monitoring-II, Water Resources Department, Government of Bihar, Patna.
6. Executive Engineer, Saran Canal Division, Mairwan, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh, Sr. Advocate
		Mr. Vaibhava Veer Shankar, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, Sr. Advocate

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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 : 05-05-2023

On 04.05.2023 following order was passed:-

"Heard the matter for sometime.
02. This is third round litigation arising out of the same contract and different issues. After disposal of CWJC No. 4661 of 2017 on 02.05.2017, the petitioner was granted one year time to execute the balance work. Such a communication has been made on 24.10.2017 (Annexure-P/16). The



petitioner had sent a letter that balance work would not be executed within the extended time limit stipulated by the respondents i.e. dated 29.11.2018.

03. Today, learned counsel for the respondents, on instruction, from the Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna, Mr. Ishwar Chandra Thakur, submitted that the petitioner had executed 30 to 35 percent of particular work as on 24.10.2017 and remaining 65 percent of work was required to be executed within one year, would be unreasonable, for the reasons that original contract was for a period of 30 months.

04. Taking note of these dates and events, we propose the petitioner to execute the balance work within a time limit to be stipulated by this Court. In this regard, whether petitioner is willing to execute the balance work without escalating the price or not?

05. The petitioner's counsel is hereby directed to secure instruction from his client by tomorrow i.e. on 05.05.2023.

06. Re-list this matter on 05.05.2023 at 02:15 PM."

2. Today, learned counsel for the petitioner on instruction submitted that petitioner is prepared to execute the balance work in terms of agreement dated 26.02.2015 entered within a period of two years. Reason assigned for two years is that there would be rainy season and certain difficulties could be faced by the contractor in executing the work. In this regard, we had oral discussion with the Engineer-in-Chief, Water Resources Department, Government of Bihar, Mr. Ishwar Chandra Thakur,



who is present in the Court.

3. Accordingly, two years time is granted to complete and execute the balance work in terms of agreement dated 26.02.2015. Two years would be calculated from 01.06.2023 to 31.05.2025. In the event of non-completion of balance work by the petitioner, Respondent is at liberty to take action against petitioner in accordance with law. The impugned orders dated 14.03.2019 and 18.03.2019 (Annexure-P/23) are set aside. With the above observations, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.05.2023
Transmission Date	N.A.

