

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18170 of 2013

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Shambhu Kumar Mishra Son Of Ram Shrestha Mishra, Resident Of Mohalla
Bhikhanpura, P.S. Sadar, District Muzaffarpur ... Petitioner

Versus

1. The State Of Bihar
 2. The Superintending Engineer, Public Works Department, Muzaffarpur
 3. The Executive Engineer, Public Works Department, Muzaffarpur
 4. The Assistant Engineer, Public Works Department, Muzaffarpur
- ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Ravi Ranjan, Adv.
For the Respondents : Mr.Rajiv Kumar Singh, GP II

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

6 18-09-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s) :

“..... for the issuance of direction to the respondent authority most particularly to the respondent no. (3) to pay Rupees 99,314/- as an outstanding dues out of the contractual amount Rs. 2,50,984/- for the repairing work done in the premises of Muzaffarpur Collectriate Building in the financial year 2011-2012.

And further for the issuance of direction to pay commercial interest on the amount due and payable to the petitioner.”

3. Learned counsel for the petitioner has stated that the petitioner pursuant to the agreement entered with the Respondent No. 3 on 10.01.2012 for the purpose of repairing works in the premises of Collectorate Building, Muzaffarpur,



has completed the work. Thereafter, the petitioner has submitted the bills along with the supporting documents and measurement book. That out of the contracted amount of Rs.2,50,984/-, an amount of Rs.151,661/- was paid to the petitioner and a balance amount of Rs.99,314/- is still due to the petitioner. Even though the petitioner has made several representations to the authorities concerned for making the said payment, till date the said amount has not been paid. Learned counsel has stated that left with no other option the petitioner has approached this Hon'ble Court by way of present Writ Petition.

4. In the counter affidavit filed by the Respondents No. 2 to 4 the above facts stated by the petitioner are not denied. In paragraph 6 of the counter affidavit the authorities have accepted that an amount of Rs.99,314/- is still due to the petitioner. The authorities have already submitted to the Departmental Tender Committee for taking a decision to pay the said amount vide Letter No. 2302, dated 04.09.2023. Further, it is stated that the Department is ready and willing to make the necessary arrangement for paying the dues to the petitioner and the same will be paid very soon. However, the counter affidavit does not state anything with regard to the interest payable on the



delayed payment. Admittedly, in this particular case the works have been completed in the year 2012 and part of the amount due was already paid, however, an amount of Rs.99,314/- is still payable to the petitioner. The petitioner had to wait for a period of almost 11 years for the payments to be made for no fault of his.

5. This Court is of the considered opinion that the ends of justice would be met if the direction is given to the authorities to pay the balance due amount of Rs.99,314/- together with the 6% simple interest from the date of submission of the bills to the date of making the payment. The authorities are directed to calculate the interest payable on the Rs.99,314/- to the petitioner at the rate of 6% simple interest from the date of submission of the bills to the date of payment. The payment shall be made within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

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