

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24501 of 2013

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Sanjiv Kumar Son Of Sri Hari Prasad Singh Resident Of Village- Tothan, P.O.
Purkhouli, P.S. Lalganj, District Vaishali At Hazipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Executive Engineer, Public Health Division, Hazipur
3. Sub Divisional Officer, Public Health Sub Division, Lalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.
For the Respondent/s : Mr.

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

6 01-12-2023 Heard the learned counsels for the parties.

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

“That this is an application for issuance of a writ in the nature of mandamus commanding and directing the respondent authorities to pay the admitted amount of Rs. 175535.00 for the work completely executed by the petitioner which was allotted after due tender process for construction of tube wells in Vaishali District and further for payment of Earnest Money of as deposited by the petitioner in manner of fixed deposit and N.S.C. and initial security deposit or any other legitimate dues, in term of the agreement and/or for



issuance of any other appropriate writ or direction or order as may deem fit and proper.”

3. Learned counsel for the petitioner has stated even though the petitioner has completed the work in the year 2008-2009, the authorities have paid most of the amounts but have not paid an amount of Rs. 1,75,535/- (One Lakh Seventy Five Thousand Five Hundred Thirty Five) and are disputing the same after lapse of more than four years. Learned counsel has stated that the act of the respondents till not paying the said amount is arbitrary and illegal and the direction may be given to the authorities concerned for paying the same.

4. In the counter-affidavit filed by the Respondent Nos. 2 & 3, specific stand has been taken that the petitioner has alternative and efficacious remedy of filing the reference case before the Bihar Public Works Contracts Disputes Arbitration Tribunal. Further, the authorities are disputing that the petitioner has not completed the work and the hand-pumps were found non-functional and the same cannot be adjudicated under Article 226 of the Constitution of India.

5. Having regard to the above made submissions, without going into merits or demerits of the case, the petitioner is directed to approach the Bihar Public Works Contracts Disputes Arbitration Tribunal within a period of four weeks



from the date of the receipt of a copy of this order. On such representation being made, the Bihar Public Works Contracts Disputes Arbitration Tribunal shall deal with the said representation on its own merits as expeditiously as possible preferably within a period of twelve weeks thereof. It is needless to mention that before passing any order, the parties shall be provided an opportunity of hearing.

6. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy, J)

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