

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1870 of 2022

In
Civil Writ Jurisdiction Case No.4007 of 2020

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M/s Classicon Construction (I) Pvt. Ltd., 2nd Floor, J.J. Complex East Boring Canal Road, Patna-800001, through its Managing Director Deepak Kumar Sinha, Male, Aged about 55 years, S/o Shri Shiv Shankar Sinha, Resident of 1A/2, Keshari Nagar, P.S.- Patliputra, Patna- 800024.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Government of Bihar, Patna.
2. Sri Anand Kishore, Secretary, Urban Development Department, Government of Bihar, Patna.
3. Sri Animesh Kumar Parasar, Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Budha Marg, Patna-1.
4. Sri Rabindra Prasad, The Chief Engineer, Patna Municipal Corporation, Maurya Lok Complex, Budha Marg, Patna-1.
5. Sri Sanjay Kumar Mishra, The Executive Engineer, Patna Municipal Corporation, Maurya Lok Complex, Budha Marg, Patna-1.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Sharan,Advocate
For the Opposite Party/s : Mr.Subhash Prasad Singh (Ga 3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)
Date : 12-07-2023

1. The present petition has been filed, complaining about the disobedience of the order dated 28.04.2020, passed by this Court in CWJC No.4007 of 2020, operative portion whereof is reproduced hereinbelow:-

*“In light of the aforesaid order dated 9.3.2022
passed in CWJC No. 16088 of 2021, the present*



writ petition is also disposed off in similar terms with a direction that the Respondents shall forthwith make payment of the admitted outstanding dues to be paid to the petitioner, in any case not later than four weeks from today. It is further directed that in case, any claim of the petitioner is disputed or does not find favour with the Respondent authorities, a reasoned order shall be passed within the same time frame and duly communicated to the petitioner.”

2. At the outset, the learned counsel for the contemnors has submitted by referring to the show-cause filed in the present case that though the estimated cost of work under the contract in question was to the tune of Rs.1,41,42,434/-, however, considering the weightage of work performed by the petitioner and calculation made as per the measurement book, the Chief Municipal Engineer, Patna Municipal Corporation had certified that the petitioner has executed work worth Rs.2,37,80,967/-, whereafter, a sum of Rs.2,14,37,043/-, after making statutory deductions to the tune of Rs.23,43,924/-, has already been paid to the petitioner, which is not disputed by the learned counsel for the petitioner, however, he submits that he has not been made aware about the details of the deduction made, hence the amount deducted be directed to be paid to the



petitioner.

3. *Per contra*, the learned counsel for the contemnors has referred to the show-cause filed in the present case on behalf of the Chief Municipal Engineer, Patna Municipal Corporation to submit that a reasoned order dated 20.06.2023 has been passed by him, which has been annexed as Annexure-PMC/D. At this juncture, it would be apt to reproduce the contents of the said order dated 20.06.2023, hereinbelow:-

पटना नगर निगम
ہتہ میونسپل کارپوریشن
PATNA MUNICIPAL CORPORATION

Annexure-PMC/D



CITY OF PATNA
सकारण जादेश

Letter No. / Position 7451
Date / Position 20.06.2023

CWIC संख्या- 4000/2020 को लिए दिनांक- 28.04.2022 को हुई सुनवाई में पारित न्यायादेश को आलोक में माननीय उच्च न्यायालय, पटना ने सकारण आदेश जारी करने का न्यायादेश पारित किया गया है। न्यायादेश को अनुपालन में स्पष्ट करना है कि बोरिंग रोड अवस्थित रेडिंग जेल के एजेंसी में कलसिकॉन कन्स्ट्रक्शन (I) प्रा० लि० को सभी Admitted Gues का मुगतान पटना नगर निगम के द्वारा पूर्ण में कर दिया गया है। पटना नगर निगम के द्वारा वर्गित एजेंसी को कार्य को जीयकर वैधानिक कटौति करते हुए निम्न रूपेण मुगतान की कार्यवाई की गई है।

S. No	Particulars	Amount
1	Total Amount	2,37,80,967.00
2	S. D Money @5%	10,61,650.00
3	Income Tax TDS @2%	4,24,660.00
4	GST TDS @2%	4,24,660.00
5	Labour Cess @ 1%	2,37,810.00
6	Royalty	92,205.00
7	Signorance Fess	1,02,939.00
	Net Payable	2,14,37,043.00

स्पष्ट है कि मापी पुस्त के अनुसार कुल देय राशि रु०-2,37,80,967/- में से सभी वैधानिक कटौतियों के बाद एजेंसी को कुल राशि रु०-2,14,37,043.00 का मुगतान किया गया है। एतद् द्वारा एजेंसी को संपूर्ण कार्य के विरुद्ध पूर्ण मुगतान कर दिया गया है। एजेंसी द्वारा कराए गए कार्य के विरुद्ध कोई भी बकाया नहीं है। वर्गित राशि के अतिरिक्त एजेंसी का किसी राशि का दावा अग्रगण्य है।

20.06.23

मुख्य नगर अभियंता,
पटना नगर निगम, पटना।

4. Having regard to the aforesaid facts and circumstances of the case, this Court is satisfied that the



admitted outstanding dues have already stood paid to the petitioner, as aforesaid, hence the order dated 28.04.2022, passed by this Court in CWJC No.4007 of 2020 has stood fully complied with, thus the present petition is dismissed.

(Mohit Kumar Shah, J)

(Shailendra Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2023
Transmission Date	NA

