

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13482 of 2023

Maa Shanti Construction Private Limited Village-Bijwani, Tola-Koorgawn, Bijbani East, Block and P.S. Bankatwa, District-East Champaran at Motihari through its Proprietor Birendra Kumar Pandit (Male), aged about-44 Years, Son of Jang Bahadur Pandit, Resident of Village-Koorgawn, Bijbani, P.O. and P.S. Bankatwa, District-East Champaran at Motihari.

. ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Works Department, Works Division, Dhaka, District-East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, AG Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-11-2023

In the instant petition, the petitioner has prayed for the following reliefs:

“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to make available a copy of Detail Project report and a copy of Bill of Quantity and Technical Sanction Order regarding construction of Bhawanipur to Guabari Road (Ward Nos.11 and 12) in view of the work order issued by the Respondent no.4 vide his letter no.8051 dated



22.11.2021 and the agreement dated 16.05.2023 entered in between the petitioner and the Respondent no.5 to enable the writ petitioner to perform the contract and complete the construction of work as per the terms of agreement and as per the specifications contained in Bill of Quantity and Detail Project Report.

(II). For a declaration that if the petitioner has been allotted the construction of work in question by the Respondent Authorities, they are obliged to make available the above named documents to facilitate the construction of road by the petitioner at the earliest.

(III) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for revising the total cost of project as per the Detail Project Report of the road in question available with the department according to which the total cost of the project as on today is Rs.1,52,00,000/- (Rupees One Crore Fifty Two Lacs) approx in comparison to the cost of Project as per the Notice Inviting Tender being Rs.1,07,00,000/- Rupees One Crore Seven Lacs only).

(IV) For issuance of any other appropriate writ/writs. order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

2. Executive Engineer Mr. Shiv Narayan Mandal, is present in the Court. Perusal of the records read with our earlier orders the Executive Engineer is co-operating with the petitioner in so far as the execution of the allotted work. From the date of



allotment of work as on today there is modification in respect of price is concerned earlier at the time of allotment and execution of agreement the work was estimated @ Rs. 1,03,24,515.00/- (Rupees One Crore Three Lakhs Twenty Four Thousand Five hundred fifteen only) which has been modified as on today with reference to DPR to a sum of Rs. 1,51,44,100/- (Rupees One Crore Fifty One Lakhs Forty Four thousand one hundred only). In respect of modification of the estimated cost the Chief Engineer or Executive Engineer is required to execute either fresh agreement or additional agreement with the petitioner so as to streamline the DPR and estimated cost. In this regard, the Executive Engineer is hereby directed to execute additional agreement in the light of later development. Further he is also hereby directed to co-operate with the petitioner-contractor in so far as the execution of the allotted work.

3. With the above observation writ petition, stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	10.11.2023
Transmission Date	

