

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1342 of 2023

=====

Dilip Kumar Singh S/o Late Ram Padarth Singh, R/o- Awas Nagar, Police Line, Bairiya Bus Stand, P.O.- M.I.T., P.S.- Ahiyapur, Dist- Muzaffarpur 842003

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Irrigation Resource Department, Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Engineer-In-Chief cum Commissioner cum Special Secretary, Minor Irrigation Resource Department, Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Minor Irrigation Resource Department, Muzaffarpur.
4. The Ex. Engineer, Minor Irrigation Division, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Sita Ram Yadav (Gp16) with Mr. Yatindra Narayan, AC to GP-16

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-03-2023

1. Learned counsel for the petitioner is not present.

2. The petitioner by way of this writ petition has prays

as under:-

“1. (i). For issuance of a writ in the nature of mandamus commanding the respondents to pay the admitted dues amount of work done Rs. 8,30,221/-, and for extra work of Rs. 1,98,236.00 and GST claim of Rs. 2,18,753.00 under Agreement no-02 F2 of 2018-19 along with EMD/Security deposit and others dues of the petitioner along with interest @ 10%, and issue the completion certificate of the work in favor of petitioner



despite completion of the work within the extended period on 25.08.2022 in respect to the agreement No.02 F2 of 2021-22 dt-04.01.2022 with in three months for Rs. 17,56,253/-

(ii). For directing the respondents to book and pass the M.B of extra work of Rs. 1,98,236.00 and pay the same along with refund the amount of EMD/ security deposit which has been deducted from the running bill & deposited as security by the Ex. Engineer, Minor Irrigation division, Muzaffarpur which must be refunded earlier after completion of the work under law.

(iii). For directing the respondent to pay the GST claim of Rs. 2,18,753.00 under agreement no-02 F2 of 2018-19 which is kept pending deliberately.

(iv). For granting any other relief/reliefs for which the petitioner may be found entitled in the eye of law.”

3. However, it is noticed that the petitioner is claiming his amount under the contract.

4. Keeping in view the provisions of the Commercial Courts Act, 2015 and remedy available in terms thereof, the writ petition is held to be not maintainable.

5. More so, in view of the Judgment passed by the Supreme Court reported in **(2021) 10 SCC 690 (Union of India**



& Ors. Vs. Puna Hinda), the writ petition is accordingly
dismissed.

Pravinkumar/- **(Sanjeev Prakash Sharma, J)**

Item No. 13

U			
---	--	--	--

