

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1506 of 2024

M/s Ankur Enterprises a Partnership firm, having its registered office at village Pradhan Chak, Police Station - Khaira, District - Jamui through its one of the Partners namely Sri Satyendra Kumar (Male), aged about 49 years, Son of Late Bani Prasad, resident of village- Pradhan Chak, Police Station and Block - Khaira Jitjhingoi, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Minor Irrigation Department, Government of Bihar, Patna.
4. The Chief Engineer, Minor Irrigation Department, Bhagalpur.
5. The Superintending Engineer, Minor Irrigation Circle, Munger.
6. The Executive Engineer, Minor Irrigation Division, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Respondent/s : Government Pleader 6

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

3 22-03-2024 Heard the parties.

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

“i) To issue a Writ in nature of Mandamus commanding the respondents to pay the balance amount to the tune of Rs. 46,64,584/- to the petitioner as the work has already been completed but the remainder amount is not paid to the petitioner till this date.

ii) To any other relief or reliefs to which the petitioner is entitle in the facts and circumstances of the case.”

3. Learned counsel for the petitioner has stated that



pursuant to contract issued in favour of the petitioner, the petitioner has completed the work within the time stipulated. However, till date only 80% of the amount due has been paid and the balance amount of 20% is yet to be paid. The authorities have not paid the balance 20% solely on the ground that the final inspection has not taken place and the authorities are taking necessary steps for verification of the works done by the petitioner and make the payment. Learned counsel has stated that unless and until a direction is given to the authorities concerned for making the balance payment as expeditiously as possible, the petitioner will put to great and irreparable loss.

4. In the counter affidavit filed by the Respondents No.1 to 5 at para-12, it is specifically stated that as per SOP issued *vide* letter no. 1146 dated 12.10.2022 by the Minor Water Resources Department for the purpose of releasing the balance 20% fund, the authorities have to verify the work done and after the quality check is made by the competent authority, the balance amount of 20% will be released. Further it is stated that the Chief Engineer, Minor Water Resources Department, Bhagalpur vide its letter no. 205 dated 01.02.2024 has already intimated the Superintendent Engineer, Head Quarter Monitoring, Minor Water Resource Department, Patna to take



necessary action for paying the amounts due to the petitioner.

5. Having regard to the above made submissions, the Superintendent Engineer, Head Quarter Monitoring, Minor Water Resource Department, Patna is directed to complete the process of verification and quality check as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order and make the balance payment of 20% if the same is found to be in order.

6. With the above direction, the writ petition stands disposed of.

(A. Abhishek Reddy , J)

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