

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2712 of 2024**

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Guriya Sinha Wife of Pankaj Kumar Singh Resident of Village- Sinuara, P.S.-  
Bahadurpur, District- Darbhanga ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Visheshwarya Bhawan, Bailey Road, Patna.
  2. The Superintending Engineer, Building Construction Department, Building Construction Circle, Darbhanga.
  3. The Executive Engineer, Building Construction Department, Building Construction Division, Darbhanga.
  4. The Junior Engineer, Building Construction Department, Building Construction Sub-Division- 1, Darbhanga. ... Respondents
- =====

**Appearance :**

For the Petitioner : Mr.Kripanand Jha, Adv.  
For the Respondents : Mr.Standing Counsel 10

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

3      29-07-2024                      Heard the parties.

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

*i) For issuance of an appropriate direction, order or writ in the nature of Mandamus commanding the respondents to pay the rest due amount of Rs.7,50,249/- for the work done by the petitioner for construction of the balance work of the Fishery building. Bahadurpur Block building campus in the district of Darbhanga.*

*ii) For holding and declaring that the petitioner completed the work within time and after completion of the said work the amount of Rs.17,38,530/- has been paid but the rest amount of Rs. 7,50,249/- has not been paid and therefore non-payment of the said*



*amount is arbitrary, illegal and bad in law as well as on fact.*

*iii) For directing the respondents to pay 10 percent interest over the entire due amount from the date of its due till the date of the actual payment.*

*iv) For any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of the case.*

3. Learned counsel for the petitioner has stated that pursuant to the agreement entered between the petitioner and the respondents (Annexure-P/1), the petitioner was given the work of the Fishery building. Bahadurpur Block building campus in the district of Darbhanga. Learned counsel has stated that as per the terms and conditions of the contract, the agreement entered between the parties and the specifications issued by the authority concerned the petitioner has completed the construction. That after completion of the construction, the petitioner has submitted the requisite bills (Annexure-P/3) duly endorsed by the Executive Engineer, Building Construction Department. The Executive Engineer has verified the construction made by the petitioner and endorsed the quality of the construction and recommended for payment of the bill amount till date. That in spite of the completion of the work, the



authorities have not paid the bill amounts. Therefore, the petitioner was constrained to approach this Hon'ble Court by way of the present Writ Petition. That the authority concerned has passed the order rejecting the claim of the petitioner for the full amount of the bills submitted which is impugned in the present writ petition. Learned counsel has stated that the authority concerned has passed the order rejecting the claim after five years of the completion of the construction and submission of the bills.. Learned counsel has stated that the outstanding balance amount as per the bills submitted by the petitioner is approximately Rs. 7,50,249/- (Rs. Seven Lakh fifty Thousand Two Hundred and Fortynine Only). Therefore, learned counsel has prayed this Hon'ble Court to allow the present writ petition and consequently direct the authority to pay the full amount of bills.

4. In the counter-affidavit filed by the respondents except making a bald averment that the construction made by the petitioner is not as per the specifications given, the counter-affidavit is silent with respect to the other aspects.

5. Admittedly, the petitioner has constructed the Fishery building, Bahadurpur Block building campus in the district of Darbhanga. The petitioner has submitted the bills



immediately after completion of the work and all the bills were endorsed by the Executive Engineer, Building Construction Department, Darbhanga.

6. A reading of the endorsement made by the Executive Engineer, Building Construction Department, Darbhanga, on the bills makes it abundantly clear that the fishery building was constructed as per the specifications and endorsed for making the necessary payment. The documents filed by the petitioner establish the fact that the petitioner has made the construction as per the specification given and the Executive Engineer has also verified and endorsed the same. At no point of time the authorities have raised a dispute with regard to the quality of the construction made by the petitioner. Only at the time of making payment that to after five years from the date of submission the authorities are raising a dispute that too without any shred of evidence and the same cannot be permitted.

7. Having regard to the above mentioned facts and circumstances, the impugned order passed by the respondents is set aside. The authorities are directed to make the amount payable to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy



of this order. In case the authorities do not pay the balance amount payable to the petitioner within the time stipulated by this Court, the petitioner would be entitled to interest at the rate of 7% from the date of submission of bills till the date of realization.

8. With the above direction, the present writ petition stands allowed to the extent indicated.

**(A. Abhishek Reddy , J)**

Shamshad/-

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