

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18903 of 2016

=====

Shiv Shankar Singh son of Late Laxmi Singh resident of Mohalla - Jai
Prakash Nagar, Ward No. 16, Katira Ara, P.S. - Nawada, Ara, District -
Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
2. The Superintending Engineer, Building Construction Department, Government of Bihar, Building Circle, Ara
3. The Executive Engineer, Building Construction Department, Building Division, Ara.
4. The Assistant Engineer, Building Construction Department, Building Sub-Division, Ara.
5. The Junior Engineer, Building Construction Department, Building Section, Ara.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : M/s Gopal Govind Mishra
Nityanand Mishra, Advocates
For the Respondent/s : Mr. Uday Shankar Sharan Singh-GP 19

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

- 6 29-07-2024
1. Heard learned counsel for the parties.
 2. The petitioner has filed the instant application
for the following reliefs:

*“(i) For issuance of writ in the nature
of mandamus commanding and directing the
respondents for payment of bill amount i.e. Rs.
6,55,692/- to the petitioner as the said amount has
not been paid to the petitioner after expiry of more*



than five year of submission of bill.

(ii) For further commanding and directing the respondents to pay interest compound in nature for delay period on amount of total Rs. 6,55,692/- and also pay compensation and litigation cost to the petitioner for financial, mental and physical harassment.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioners are entitled to in accordance with law.”

3. At the outset, Learned counsel for the petitioner contended that since this matter is squarely covered under the order dated 10.07.2012 passed by a Co-ordinate Bench of this Court in **Chintamani Upadhyay Versus The Chairman, Bihar State Electricity Board & Ors.** reported in **(2013) 1 PLJR 795**, this writ petition may also be disposed of on the same terms and conditions.

4. It goes without saying that, if the petitioner has completed the work as per the contract agreement and to the satisfaction of the respondents, he is entitled for payment of his bills and the respondents have no authority to withhold the same indefinitely without any valid and cogent reasons. It may be made clear that, since petitioner claims to have done the work in



terms of the agreement and/or under valid orders/authorization by the competent authorities, paucity of fund or non-allotment of fund cannot and should not be an excuse for keeping his/its bills pending.

5. In view of the fact that this matter is squarely covered by the aforesaid order **Chintamani Upadhyay (supra)**, this writ application is disposed of with a direction to the concerned respondent, responsible for payment of the amount of bills of the petitioner, to examine his/its bills in the light of work done by him/it and ensure release of admissible amount of the bills to the petitioner positively within three months from the date of receipt/production of a copy of this order, if necessary, by arranging fund for the same, failing which, the said respondent shall be liable to pay an interest on the amount @ 12% compoundable yearly, from his own pocket. In case, the said respondent finds that the amount of bill or any part thereof is not payable to the petitioner, he shall communicate the same to the petitioner in specific terms, assigning reasons thereof, within that very period. In that event, petitioner shall be at liberty to seek his remedy in accordance with law before an appropriate forum and claim an adjudication in respect of his entitlement of the said amount with interest.



6. With the aforesaid observation the writ petition stands disposed of.

7. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

U			
---	--	--	--

