

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6791 of 2015

=====

Sri Binod Kumar Pandey S/o Sri Sarju Prasad Pandey Resident of village-
Siyaram Nagar, Bhikhanpur, P.O.- Ishakchak, District- Bhagalpur, PIN-
812001.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Executive Engineer, Building Construction Department, Bhagalpur
Division, District- Bhagalpur.
3. The District Magistrate, Bhagalpur, District - Bhagalpur
4. The Secretary, Building Construction Department, Patna, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai
For the Respondent/s : Mr.Uma Shankar- Gp4

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

11 01-04-2024

The writ application has been filed directing the respondents to pay the admitted contract bill amount to the petitioner, in terms of the field measurement book wherein the total admitted amount is Rs. 53,677/-and Rs. 48,845/-. Further, the petitioner also prays for an interest on the total amount of Rs. 1,02,522/-.

2. The brief facts of the case are that the petitioner is a registered government contractor doing various works in the Government Department under the State of Bihar. In the year 2012, the petitioner got allotted with two works worth Rs. 1,01,444/-, as per the letter dated 18.05.2012, bearing no. 1037



and letter dated 18.05.2012 bearing no. 1029 to construct a shed, ramp, seating bench and handpump under RTPS Scheme at Pirpaiti and Gopalpur respectively under Bhagalpur Building Division and subsequently an agreement was executed between the petitioner and the then Executive Engineer, Building Division, Bhagalpur.

3. Pursuant to the said agreement, the petitioner executed works to the full satisfaction of authorities and after proper verification of the measurement of the works, the then Junior Engineer, Building Division, Bhagalpur have prepared the final bills to a sum of Rs. 53,677/- and Rs. 48,845/- for both the works.

4. In view of the measurements mentioned in field measurement book the respondent Executive Engineer was ready to pay the said amount but no payment was made.

5. Being aggrieved by the same, the petitioner has filed the present writ application for re-payment of the said amounts along with interest.

6. A detailed counter has been filed by the second respondent denying the allegations made by the petitioner herein.



7. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent-State.

8. It is contended by the counsel for the State that the amount due to the petitioner was paid, during the pendency of the writ petition and the same is admitted by the counsel of the petitioner. But the counsel for the petitioner contends that though the petitioner received the payment, he was not paid with the interest. Even the Annexure which have been filed by the respondents along with the counter, disclose that an amount of Rs. 1,02,520/- has been paid to the petitioner on 09.08.2023, but interest part was not paid.

9. Admittedly, the works were executed by the petitioner by 10.07.2012. Since than he did not receive the amounts to him from the respondent Government.

10. The present writ petition has been filed in the year 2015 seeking the relief for payment of dues along with interest. The principal amount was received by the petitioners on 09.08.2023. Therefore, the petitioner is entitled for the interest of the said amount. Therefore, the respondents are directed to pay the interest of the said due amount @ 6%, from the date of amount due, to the petitioner within three months, from the date of disposal of the writ application.



11. With the aforesaid observation, the writ petition stands disposed off.

(G. Anupama Chakravarthy, J)

amitkr/-

U			
---	--	--	--

