

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4451 of 2024

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Prem Pratap Ray, Son of Shri Ram Pratap Ray, resident of Village -Raidih,
Post- Meenapur Rai, Police Station- Hazipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department,
Government of Bihar, Patna.
3. The Chief Engineer, Planning and Development Department, Vishweshraiya
Bhawan, Bailey Road, Patna 800015.
4. The Superintending Engineer, Local Area Circle, Muzaffarpur, Combined
Building, Muzaffarpur.
5. The Executive Engineer, Local Area Engineering Organisation Works
Division-01, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suresh Kumar, Adv. Mr. Arbind Kumar, Adv.
For the Respondent/s	:	Mr.Standing Counsel (21) Mr. Kumar Samarjeet Singh, AC to SC 21

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

4 06-09-2024 Heard the parties.

2. The present writ petition is filed for the following

relief(s):-

“i) To issue an appropriate writ, order or direction in the nature of MANDAMUS commanding the respondents to prepare final bill of the work done by the petitioner pursuant to Agreement no. 88F2 2013-14 and to make payment of Rs.24,52,000/- (approx).

(ii) To issue an appropriate direction(s) to the respondents to refund amount of security deposits and amount deducted in the name of non-grant of extension of time.



(iii) Any other relief or reliefs for which the petitioner is entitled to under the law and in the facts and circumstances of the case.”

3. In paragraphs 11, 12, 14 and 15 of the counter affidavit filed by the respondents, the authorities have stated as under:-

11) That the further grievance of the petitioner is that the petitioner submitted representations before the competent authority but no action has been taken. It is very humbly submitted with respect to aforesaid grievance of the petitioner as well as for preparation of final bill and refund of S.D. amount and the amount deducted under time extension is concerned, it is very humbly submitted in this respect that the Executive Engineer, Local Area Engineering Organization, Work Division-1 Bettiah vide his letter No. 390 dated 01.04.2022 and letter No. 285 dated 30.01.2024 has already issued direction to the petitioner to submit the measurement report prepared by the engineers of the firms against the work done by him so that he final bill could be prepared after site inspection made by the concerned Junior Engineer and Assistant Engineer.

A Photo copy of letter No. 390 dated 01.04.2022 and letter No. 30.01.2024 is annexed herewith and marked as Annexure-R5/C & R5/C1 to this Counter Affidavit.

12) That it would also be relevant to



mention here that the petitioner has not submitted any Time Extension Application before the competent authority however it is very humbly submitted that the delay has been caused due to negligent attitude of the petitioner and the department is not at all liable for the same.

14) That it would not be out of place to mention here that despite several direction and reminder the petitioner has not yet completed the contractual work as per specification and that is why the petitioner is escaping from getting the measurement of the work done by him and that is why the present respondent is not able to prepare the final bill.

15) That the fact remains that the petitioner has already been paid the amount against the work done by him and now nothing stands due to be paid to the petitioner the S.D. amount can be refunded only after preparing final bill and grant of extension of time for which the petitioner has already been directed to get the work measured by his engineer and submit a report thereof so that the further steps be taken in accordance with law.

4. However the same has been disputed by the learned counsel appearing on behalf of the petitioner. This Court is of the opinion that the ends of justice would be met if the petitioner is directed to approach the Respondent No. 5 who is competent authority for preparing the final bills on 23rd September, 2024 at 10.30 A.M. without fail along with the representation ventilating his grievance. On receipt of the said



representation, the authorities concerned shall consider the said representation and take necessary steps for preparation of the final bills as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said representation. In case the authorities comes to the conclusion that the claim made by the petitioner is genuine, the amount due to the petitioner shall be paid by the authorities.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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