

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22840 of 2013

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Jai Jagdambey Construction Pvt. Ltd. through its partner Tarkeshwar Kumar Singh, Son Of Late Ram Bahadur Singh R/O At- Rahul Nagar, P.O.- M.I.T., P.S.- Brahmpura, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Sheohar.
2. The District Magistrate, Sheohar.
3. The District Programme Officer, Sheohar.
4. The Executive Engineer, Bihar Public Works Department, Bagmati Division, Sheohar.
5. The Asst. Engineer, Bagmati Division, Sheohar.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Krishna Kant Singh, Advocate
For the Respondents	:	Mr. Madhukar Krishna Sinha, SC1
For the State	:	Mr. Kamlesh Kishore, AC to SC12

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

Date : 09-09-2024

1. The Writ petition has been filed to direct the respondents to make payment of the admitted dues amount of Rs. 35,882/- (Thirty Five Thousand Eight Hundred Eighty Two) against the excess work done by the petitioner and further to pay appropriate rate of interest on the admitted dues of Rs. 35,882/- (Thirty Five Thousand Eight Hundred Eighty Two).

2. The brief facts culled out of the Writ petition is that the petitioner is a Contractor, used to do works of Construction, Engineering and supply under the name and



style of Jay Jagdambey Construction Private Limited. The petitioner entered into an agreement with the respondents for the construction of P.C.C. road on 12.01.2009. As per the agreement, the petitioner completed the work. Further, the respondent-authority entrusted some other work beyond the frame of the agreement. Pursuant to verbal order, the petitioner has also completed the entrusted work, as the respondents assured the petitioner to pay the said amount for the excess work done by him. The petitioner has completed the extended work, to the satisfaction of the Executive Engineer, Bihar Public Works Department, Bagmati Division, Sheohar and of the other authorities and prepared a bill for the excess work done by him, to a tune of Rs. 35,882/- (Thirty Five Thousand Eight Hundred Eighty Two), which was accepted by the Executive Engineer. However, the petitioner did not receive the bill amount, for which he made representations and pursuant to it, the Executive Engineer *vide* Letter No. 1023 dated 10.11.2011, requested the District Magistrate, Sheohar to release the amount for the payment of bill of the petitioner. Further, the petitioner also submitted his applications dated 30.11.2010 and 11.07.2012 before the



Executive Engineer and District Magistrate, Sheohar respectively, for the payment of the said dues. It is further contended in the Writ Petition that the District Programme Officers, Sheohar, namely, Mr. Swami Nath Manjhi and Mr. Rajendra Ram had demanded Rs. 20,000/- (Twenty Thousand) from the petitioner for releasing the said amount. Having no other remedy left, the petitioner is constrained to prefer this Writ petition under Article 226 of the Constitution of India.

3. A detailed counter was filed on behalf of respondent Nos. 4 and 5. As far as the fact of demand of bribe is concerned, was denied, but the respondents have admitted the dues, but contended that the same could not be paid as the amount was not released by the Higher Authorities. It is stated that letters were addressed by the Executive Magistrate, Bihar Public Works Department, Bagmati Division, Sheohar to the District Magistrate for release of fund and the District Magistrate allotted the said amount in the year 2024. Further, the payment of Rs. 35,882/- (Thirty Five Thousand Eight Hundred Eighty Two) was paid to the petitioner. It is further alleged that they had admitted the due payable to the



petitioner, but the same could not be paid as the Higher Authorities have not released the said amount.

4. Taking into consideration that the petitioner is entitled for the admitted dues, this Court directs the Executive Engineer, Bihar Public Works Department, Bagmati Division, Sheohar to pay the admitted dues to the petitioner i.e. Rs. 35,882/- (Thirty Five Thousand Eight Hundred Eighty Two) within a period of two weeks from the date of receipt of this order. Further, as the work was executed by the petitioner in the year 2011 and the payment could not be made available till 31.08.2024. This Court is of the considerable view that the petitioner cannot be suffered, for all these years for non-payment of dues, therefore, the petitioner is also entitled for interest @ 9% per annum on the principal amount of Rs. 35,882/- since 10.11.2011 till the date of disbursement of the said amount.

5. Further, Shri Tarkeshwar Kumar Singh, who is the proprietor of Jai Jagdambey Construction Pvt. Ltd. shall approach to the Executive Engineer, Bihar Public Works Department, Bagmati Division, Sheohar, to receive the



admitted dues on behalf of petitioner-Company along with the copy of order of this Court.

6. With the aforesaid observations, the Writ petition stands disposed of.

7. Interlocutory application(s), if any, shall also stands disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2024.
Transmission Date	NA

