IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14079 of 2021

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Manohar Kumar, Son of Late Rajendra Rai, Resident of Village and P.O. - Chandmani Danapur, P.S. Sahpur, District - Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department Government of Bihar, Vishwesharaiya Bhawan, P.O. and P.S.- Punaichak, District - Patna.
2. The Principal Secretary, Finance Department Government of Bihar, Patna.
3. The Chief Engineer, South Bihar, Building Construction Department Govt of Bihar Vishwesharaiya Bhawan, P.O. and P.S. Sachivalaya, District - Patna.
4. The Superintending Engineer, South Bihar Building Construction Department, Vishweshwaraiya Bhawan, P.O. and P.S. Sachivalaya, District - Patna.
5. The Executive Engineer, Patliputra Building Disivision, Building Construction Department Government of Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Shambhu Sharan Singh, Adv
For the Respondent/s : Mr.Amit Prakash (GA 13)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

8 24-04-2024 Heard the learned counsels for the parties.

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

> *"(i) For aquashing the order dated 18/12/2019 passed in Reference Case no. 94/2019 by the Bihar Public work Contract Dispute Arbitration Tribunal.*
>
> *(ii) For a direction/order to the respondent concern to pay a sum of Rs 69,195/- (Principal amount of expances) in liew of work done by petitioner + 35,000/- Litigation Cost + 18%*

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interest on the delayed payment of Rs. 69,195 + 35,000=1,04195 Rupees Total.

(iii)For the order relief/reliefs as your Lordships may be deem fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner has stated that even though the petitioner has completed the work and submitted the necessary documents, till date the authorities have not paid the amount due to the petitioner. Learned counsel has stated that the petitioner has approached the Arbitral Tribunal but the Tribunal has dismissed the reference case stating that the work order issued to the petitioner does not come under the works contract. Therefore, the learned counsel seeks a direction from this Hon'ble Court to direct the authorities to pay the amount due to the petitioner along with the interest and litigation cost.

4. Learned counsel appearing on behalf of the respondents has drawn the attention of this Court to the counter affidavit filed by the respondents, wherein it is stated that till date the petitioner has not submitted the necessary documents like measurement book, certificate of completion of work and other documents to substantiate his claim that the petitioner has completed the work.

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5. Having regard to the above made submissions, without going into the merits or demerits of the case, the present CWJC is disposed of directing the petitioner to give a representation to the Chief Engineer, Sough Bihar, Building Construction Department (Respondent No. 3) along with the necessary documents within a period of four weeks from today. On receipt of the representation, the Chief Engineer, Sough Bihar, Building Construction Department (Respondent No. 3) shall consider the same and pass necessary orders for payment of the amount due to the petitioner in accordance with law.

6. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of said representation. Any order passed shall be communicated to the petitioner.

(A. Abhishek Reddy , J)

Bhardwaj/-

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