

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7634 of 2015

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Saryu Babu Engineers For Resource Development S/O Late Narbhushan
Tanti, R/O Village- Patauna, P.S.- Malehpur, District- Jamui.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Urban Development and Housing
Department, Bihar, Patna.
3. The Director, Urban Development and Housing Department, Bihar, Patna.
4. The Municipal Commissioner, Municipal Corporation, Munger.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Raj Kumar, Advocate
For the Respondents	:	Mr. Kinkar Kumar, SC9
For the Municipal Corporation, Munger	:	Mr. K.N. Sahay, Advocate
For the State	:	Mr. Ashutosh Kumar Upadhyaya, AC to SC9

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

14 11-07-2024 This writ petition is filed for issuance of direction to respondent-Municipal Corporation, Munger for payment of first installment of ‘Consultancy Charges’ to the tune of Rs. 13.24 Lakhs, and further directions to the respondent-authorities to pay the entire agreed amount as per the MOU (Memorandum of Understanding) dated 12.06.2014 pursuant to tender Notice No. 01 of 2014, issued by Urban Development and Housing Department, Government of Bihar.

2. Heard the Learned counsel for the petitioner as



well as the Learned counsel for the respondents.

3. Learned counsel appearing on behalf of respondent no. 4 filed a detailed counter affidavit, which clearly discloses that an access amount of Rs. 4,77,000/- (Rupees Four Lakh Seventy Seven Thousand) was paid to the petitioner, which was detected in the audit report and that the petitioner is still due to pay said amount. Further, the respondent has sent several reminders to the petitioner to complete the work.

4. It is also the contention of the learned counsel for the respondent that the petitioner has been paid an amount of Rs. 33,46,000/- (Rupees Thirty Three Lakh Forty Six Thousand), out of which work done for Rs. 28,69,000/- (Twenty Eight Lakh Sixty Nine Thousand) and, therefore, the petition has to be dismissed as it is devoid of merits.

5. During the course of arguments, it is contended by the Learned counsel for the petitioner that the petitioner shall file a representation before the respondent-authorities and basing on it, if at all, the petitioner is entitled to the amount, the same shall be paid to the petitioner.

6. Admittedly, no rejoinder to the counter affidavit



of respondent no. 4 has been filed to rebut the contents of the counter. If at all, the petitioner has any grievance for non-payment of the amount, as stated by him in the writ petition, he shall file a representation within a period of four weeks from the date of receipt of this order and in turn, the respondents shall consider the representation and it shall be disposed of within a period of four weeks. If at all, there is any due or any access payment, the respondent shall also inform about it to the petitioner by way of an order.

7. With the above observations, this writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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