

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12659 of 2024

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M/S Aastha and Saumya Construction At P.O- Bhairwar, District- Begusarai through its Partner Sunil Kumar, male, aged about 47 years S/O- Chandra Bhushan Prasad Singh, R/O- Bhairwar, Ward no.- 03, P.O. and P.S.- Bhairwar, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department Government of Bihar, Patna.
3. The Secretary, Rural Works Department Government of Bihar, Patna.
4. The Engineer-in-Chief, Rural Works Department Government of Bihar, Patna.
5. The Chief Engineer-2, Rural Works Department Government of Bihar, Patna.
6. The Superintending Engineer, Rural Works Department, Work Circle, Saharsa.
7. The Executive Engineer, Rural Works Department, Work Deivision, Gogri.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv.
For the Respondent/s : Mr. Government Pleader 26

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

2 02-09-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“I. For directing and commanding
the responding authorities for making payment
of the work done and successes fully completed
by the petitioner to the satisfaction of
respondent authorities pursuant to agreement
no. 03-CMBD/17-18 along with maintenance of*



5 years. (Name of the work- MR of Road from NH-31 to Harangi Tola Dukha Tola to Maheshkhunt Railway Station M/R in Gogri Block amounting to Rs. 1,36,15,254/-, of which payment of only one year has been made inspite of the fact that maintenance of entire five years has been successfully completed by the petitioner and the maintenance work done have been entered into Measurement Book bearing MB no. 213/17-18, total amounting to Rs. 8,62,760/ along with interest.

II. For further directing and commanding the respondent authorities for making payment of the work done by the petitioner taking into consideration the fact that pursuant to policy decision of the Central Government and also considering the fact that now provision of GST is applicable in place of VAT and GST has been deducted and to refund the difference amount amounting to Rs. 7,38,070.00 along with interest from the dated it became due till actual dated of payment.

III. For payment of amount deducted under the head of royalty (MD) amounting to Rs. 1,06,085.00.

IV. For making payment of entire amount of the work done, (amount of maintenance work of four years, royalty miscellaneous, difference from VAT to GST) by the petitioner along with penal interest @ 18% from date it became dues till actual date of payment.



V. For making payment of cost of litigation taking into consideration the fact that after completion of the work allotted to the petitioner payments have not been made to the petitioner, on one pretext or the other (due to paucity of funds and other reasons) and petitioner has been compel to approach before this Hon'ble court.”

3. Learned counsel appearing on behalf of the petitioner is permitted to change the nomenclature of Respondent No. 2 as “the Additional Chief Secretary-cum-Secretary, Rural Works Department, Government of Bihar, Patna” in place of “the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.

4. Learned counsel appearing on behalf of the petitioner has stated that after completion of the works entrusted to the petitioner, the petitioner has submitted the bills but till date the same has not been paid. Learned counsel has stated that the petitioner has given representations dated 12.01.2024, 22.04.2024 and 02.08.2024 and a direction may be given to the authority concerned to consider the same and make the necessary payments in accordance with law.

5. Learned counsel appearing on behalf of the respondents has stated that he has no objection if a direction is



given to the concerned authority to consider the representation made by the petitioner strictly in accordance with law.

6. Having regard to the above made submissions, the present CWJC is disposed of directing the Respondent No. 2 herein to consider the representations made by the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. In case the claim of the petitioner is found to be genuine, the Respondent No. 2 shall take necessary steps for making the payment of the amount due to the petitioner. In case the authority concerned rejects the claim of the petitioner, he shall pass a reasoned order, giving reasons for the same.

7. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

8. With the above directions, the present CWJC is disposed of.

(A. Abhishek Reddy , J)

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