

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18133 of 2024

M/S R.K. Construction At Mahammadpur, Near Petrol Pump, P.O- Mirzapur Banduwar, District-Begusarai, through its Partner Lal Bahadur Singh, male, aged about 68 years S/O- Sita Ram Singh, R/O- Near N.H- 31, Opposite D.P.S School, P.O and P.S- Mahammadpur, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Building Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Building Construction Department Government of Bihar, Patna
3. The Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Engineer-in-Chief, Building Construction Department Government of Bihar, Patna.
5. The Chief Engineer (North), Building Construction Department Government of Bihar, Patna.
6. The Superintending Engineer, Building Construction Department, Work Circle, Begusarai.
7. The Executive Engineer, Building Division, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Alok Ranjan, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, Government Pleader (05) Mr. Shahabaj Alam, Adv.

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

2 11-12-2024

Heard the parties.

2. The present writ petition is 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. 11-F2-2014-15



*along with defect liability period of 3years.
(Name of the work- Construction and Installation of Water supply work of ITI off New Work shop Building and renovation of Old work shop with campus Development and Approach Road at I.T.I Begusarai) amounting to Rs. 1,93,41,413/-, of which payment of Rs. 20,81,914/- is due to be paid to the petitioner inspite of the fact that the work has successfully been completed by the petitioner and work done have been entered into Measurement Book by the Junior Engineer concerned and was duly approved by the then Assistant Engineer, Payment of security deposit and payment for Extra lid and making payment of entire amount along with interest.*

II. For making payment of entire amount of the work done and successfully completed by the petitioner along with penal interest @ 18% from date it became dues till actual date of payment, as the work is the source of livelihood for the petitioner and the act of the respondent authorities are in violation of Article 19(1)(g) of constitution of India.

III. 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.

IV. For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case.”



3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner may be permitted to give a representation duly ventilating his grievance along with the necessary documents before the Respondent No. 2, i.e., the Additional Chief Secretary, Building Construction Department, Government of Bihar and the Respondent No. 2 may be directed to consider the same in accordance with law.

4. Learned counsel appearing on behalf of the respondents has stated that he has no objection if a direction is given to the petitioner to give a representation before the Respondent No. 2 and the Respondent No. 2 may be directed to consider the said representation in accordance with law.

5. Having regard to the above made submissions, the present writ petition is disposed of at the stage of admission. The petitioner is permitted to give a representation ventilating his grievance to the Respondent No. 2, i.e., the Additional Chief Secretary, Building Construction Department, Government of Bihar, within a period of three weeks from today. On receipt of the said representation, the Respondent No. 2 shall consider the same strictly in accordance with law.

6. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing.



Any order passed shall be communicated to the petitioner. In case the authorities comes to the conclusion that the claim made by the petitioner is genuine, they shall make necessary arrangement for payment to the petitioner. However in case the authority come to the conclusion that the representation of the petitioner does not merit any consideration, the authorities shall pass a reasoned order giving the reason for rejecting the claim. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

Bhardwaj/-

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