

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15785 of 2018

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Sujay Bhan Singh Son of Late Shyam Prakash Singh, Resident of Mohalla-Bundelkhand, Gondapur, Post Office-Par Nawada, Police Station-Bundelkhand, District-Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Minor Water Resource Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Water Resource Department, Patna.
4. The Superintendent Engineer, Gaya Circle, Minor Water Resource Department, Gaya.
5. The Executive Engineer, Minor Irrigation Division, Nawada.
6. The Assistant Engineer, Rajauli Sub Division, Govindpur, Minor Irrigation Department, Nawada.
7. The Junior Engineer, Rajauli Sub Division, Minor Irrigation Department, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajey Kumar
For the Respondent/s : Mr.Chittranjan Sinha -Paag2

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

8 06-05-2024 The petition is for issuance of Writ of Mandamus to direct the respondents to make payments to the petitioner, without any further delay for the additional work done by him for which representation dated 17.02.2018 was made by him vide Annexure No. 4, before respondent No. 5, who has approved revised estimate dated 19.12.2016 (Annexure-1) and also representation dated 17.02.2018 and 19.12.2016 which was filed by the respondent No. 5 for the construction of spillway in



Bahuara Block- Sirdala, District Nawada.

2. The brief facts culled of the petition are that the petitioner is a Government registered contractor and he was allotted with contract work for the construction of Spillway in Bahuara Dam. The initial contract amount was Rs. 2,61,79,910.92/- and the petitioner successfully completed the said work and payments were also made to him. Further, the petitioner was allotted additional work for the revised amount of Rs. 17,33,458/- vide estimate dated 19.12.2016 (Annexure-1). Accordingly, the petitioner completed the additional work to the satisfaction of the respondents and the same was reflected in the measurement book (Annexure-2).

3. The 5th respondent vide letter dated 29.12.2016 (Annexure-3) has reminded respondent No. 4 for the Outstanding dues. Further, the petitioner has also made his representation vide (Annexure-4) dated 17.02.2018, despite no action was taken by the respondents for which the petitioner was constrained to prefer this writ petition.

4. A detailed counter affidavit dated 30.11.2018 was filed by the respondent admitting the dues of the petitioner. It is specifically contended in the counter affidavit that the Superintending Engineer, Minor Irrigation Circle vide Letter



No. 1197 dated 26.10.2018 has sent a proposal to the Chief Engineer, Minor Water Resources Department, Patna (Annexure-B) for making necessary payments to the petitioner and after the said approval payment shall be made to the petitioner.

5. This Court vide order dated 25.01.2024 directed the learned counsel for the respondents to inform whether the amounts have actually been paid to the petitioner or not? for which a supplementary counter affidavit was filed by respondent Nos. 2 to 7. In the supplementary counter affidavit also, the respondents admitted about the payment of dues and further contended that whenever the fund will be available, payment will be made to the petitioner.

6. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

7. The Learned counsel for the respondents are not in a position to inform the Court as to when the payments to the petitioner will be made by the respondents. The counter affidavit is also silent about the funds, which was received by the Department in the year 2018. Admittedly, the writ petition is filed in the year 2018. Further, there is no specification of time mentioned in the counter and supplementary counter as to when



the payment will be made to the petitioner. This Court is of the considered view that the claim of the petitioner is justifiable for the additional work done by him and, therefore, the respondents are directed to pay the admitted due amount to the petitioner within a period of three months along with 4% interest per annum from the due date of the payment. Further, the security amount deposited by the petitioner shall also be refunded to the petitioner.

8. With the above said observations this writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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