

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4975 of 2019

In
Civil Writ Jurisdiction Case No.2748 of 2019

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Progressive Enterprises Through its Proprietor- Ajit Kumar Singh, Male, aged about- 56 years, S/o- Gorakh Singh, R/o Nai Basti Mahadev, P.S. Siwan Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Manish Kumar Verma, the Principal Secretary, Planning and Development Department, Bihar, Patna.
2. Tej Narayan Ram, the Chief Engineer, Local Area Engineering Organization, Planning and Development Department, Bihar, Patna.
3. Shankar Dayal Shukla, the Superintending Engineer, Local Area Engineering Organization Planning, Saran.
4. Satyadev Prakash, the Executive Engineer, Local Area Engineering Organization Planning Division, Siwan.
5. Sushil Kumar, the Assistant Engineer, Local Area Engineering Organization Planning Division, Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.S.P. Yadav, Advocate

For the Opposite Party/s : Mr. Sudhir Kumar Upadhyay, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-01-2024 Heard learned counsel for the petitioner and the State.

2. Learned counsel for the petitioner submits that even as some payments have been made after submission of the final bill but 5% of the security money and the amount deducted by the authorities for time extension are liable to be paid to the petitioner.

3. On perusal of the order of which contempt has been alleged, it would appear that this Court had directed the

Executive Engineer (respondent no.4) to examine the grievance of the petitioner and in case it is found that the petitioner has completed the works allotted to him under the two agreements and any amount is admittedly due to him, the Executive Engineer shall ensure that such admitted amount be paid to the petitioner within a period of three months from the date of receipt/production of a copy of the order. If any of the claims or part of the claims of the petitioner is not payable, the reasons thereof must be provided to the petitioner within the same period.

4. In compliance of the order of this Court, the Executive Engineer has passed an order as contained in letter no.1840 dated 09.09.2019 which is addressed to the petitioner.

5. Subsequent to the passing of the said order as contained in Annexure- 'A' to the show cause of respondent no.4, the petitioner has been paid some amount, still he has a grievance that 5% of the security money has not been refunded and certain deductions have been made for extension of time which are an arbitrary withholdment and deductions on the part of the opposite parties.

6. In the opinion of this Court, in the given facts and circumstance, this contempt application cannot proceed. It is

being disposed of with liberty to the petitioner to seek his remedy against the aforesaid withholdment/deductions, as the case may be, before appropriate forum in accordance with law.

7. In pursuing such remedy if any question of limitation would arise, the same will be considered by the court/tribunal/authority, as the case may be, keeping in view that the contempt application was pending in this Court since 27.11.2019.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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