

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.695 of 2024

Ashutosh Kumar @ Ashutosh Kr. Son of Krishna Kumar Singh Resident of
Muhalla Kamal Nagar, P.O. and P.S.- Mujahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Vishweshwaraiya Bhawan Bailey Road, Patna-15.
2. The Secretary, Rural Works Department, Vishweshwaraiya Bhawan Bailey Road, Patna- 15.
3. The Engineer-in-Chief, Secretary, Rural Works Department, Vishweshwaraiya Bhawan Bailey Road, Patna-15.
4. The Chief Engineer, Secretary, Rural Works Department, Vishweshwaraiya Bhawan Bailey Road, Patna-15.
5. The Superintending Engineer, Rural Works Department, Work Circle, Bhagalpur.
6. The Executive Engineer, Rural Works Department, Work Division, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar, Adv.
For the Respondent/s : Mr. Advocate General

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

8 23-08-2024 Heard the parties.

2. The present writ petition has been filed for the
following reliefs:-

“(i) For direction for payment of
entire bill amount of 5,49,000/- (Five lakh
forty nine thousand) 1st to 5th year
maintenance of Road in terms of Agreement
No. S.B.D.16/ 2012-2013 arising out of work
namely construction of Karela to Kabir
Railway over Bridge, (Package No. BR-06R-
152) under scheme of Pradhan Mantri Gram
Sadak Yojna (in short P.M.S.G.Y.) for the



year 2013-2014.

(ii) For declaration that the respondents have committed breach of contract and their actions are arbitrariness, colorable exercise of power as well as against the terms and conditions of the agreement.

(iii) For award of interest @18% per annum over entire amount from the date of its due and till the date of its realization.

(iv) For direction to pay litigation cost, which is presently assessed at Rs. 1,00,000/- only, but the petitioner craves leave of the Hon'ble Court to submit the details of cost incurred by them for present writ application at the time of conclusion of hearing of present reference if so directed by the Hon'ble Court.”

3. Para 9 and 10 of the Supplementary counter affidavit filed by the Respondent No.6 reads as under :-

“9. That total deduction at necessary source such as under I.T. Deduction @1% to the tune of Rs. 4,896/-, under CGST/SGST@ 1% each to the tune of Rs. 4,896 + 4,896, under royalty 41,326/- under Seigniorage Fee to the tune of Rs. 6,369/- labour cesss @1% to the tune of Rs. 4,896/- come to Rs. 67,279/-.

10. That after deducting the amount of Rs. 67,279/- from the gross amount of Rs. 4,89,623/- the total amount payable to the petitioner is Rs. 4,22,344/- which is evident from memo of payment.”

4. Further, it is stated that the amount of Rs.



4,22,344/- has already been paid, the said payment is not disputed by the counsel for the petitioner.

5. Having regard to the same, the present writ petition is disposed of granting liberty to the petitioner to avail the alternate remedies as available under law for refund of deductions made from the concerned departments.

6. With the above direction the writ petition stands disposed of.

(A. Abhishek Reddy , J)

Ankit Kumar/-

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