

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9563 of 2017

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Ashok Enterprises resident of Mohalla- Goal Bagicha, Gabrapar, P.O.- Gaya,
P.S.- Kotwali, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Managing Director, South Bihar Power Distribution Company Limited Vidyut Bhaan, Bailey Road, Patna
3. The Deputy General Manager cum Chief Engineer, Magadh Electric Supply Area, Gaya.
4. The Electrical Superintending Engineer, Electric Supply Circle, Gaya.
5. The Electrical Executive Engineer, Electrical Supply Division, Gaya (Rural).
6. The Accounts Officer, Electric Supply Circle, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha, Advocate
For the Respondent/s : Mr.Ritesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

3 13-05-2025 1. The Writ petition is filed to direct the respondents to pay Rs. 1,25,000/- to the petitioner for the work done by him. Further, to direct the respondent to act according to the payment clause of the work order, as the work was completed by the petitioner as per the specification of the work order.

2. The brief facts culled out of the Writ



petition is that the petitioner was allotted a work through Order No. 221 dated 20.01.2004 issued by the General Manager-cum-Chief Engineer, Magadh Electric Supply Area, Gaya for execution of rehabilitation of 33 KV line (i) from Guraru P.S.S. to Ahiyapur and (ii) from Ahiyapur to Tekari P.S.S. and the total valuation of work was Rs. 1,25,000/- with a condition that the work has to be completed within 15 days from the date of issue of last material. The petitioner has executed the work which was issued to him and the last lot of material received by the petitioner was on 16.08.2004. However, he completed the work by 30.08.2004 but final bill amount of Rs. 1,25,000/- was not paid by the respondents for which the petitioner was constrained to file the present Writ application.

3. A detailed counter affidavit was filed by the respondents No. 1 to 6. The contents of the



counter affidavit disclose that the Writ petition was filed at the very belated stage, after lapse of several years. Further, the total bill amount of the work done by the petitioner was found to be Rs.71,141/- and after deducting 2% income tax, the petitioner was paid an amount of Rs. 69,719/- through Cheque No. 898857 dated 18.06.2019 and therefore, prayed to dismiss the Writ petition.

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

5. It is the specific contention of the Learned counsel for the petitioner that he has completed the work in the year 2004 and did not receive any payment till 18.06.2019. An amount of Rs. 69,719/- was paid to him after filing of this Writ petition. Further, it is contented by the Learned counsel for the petitioner that no details were



given in the counter affidavit as to how the respondents have come to a conclusion that the work done was assessed to an amount of Rs. 71,141/-.

6. On the other hand, the Learned counsel for the respondents contended that after verifying the records the said amount has been paid.

7. Taking into consideration the nature of the dispute that involves factual aspects, which are to be decided by the competent authority, this Court directs the petitioner to submit a detailed representation within one month from the date of receipt of this order and in turn, the respondents shall dispose of the same within two months from the date of filing of the representation, by passing a reasonable speaking order. If at all the petitioner is entitled to any amount, the same shall be paid to the petitioner forthwith.



8. With the aforesaid observation, the Writ
petition is disposed of.

9. Interlocutory Application(s), if any, shall
also stands disposed of.

(G. Anupama Chakravarthy, J)

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