

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10998 of 2017

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Ram Suresh Singh Son of late Brij Nandan Singh @ Indradeo Singh Resident
of Village- Ekauna, Post Office Ekauna Police Station- Barahara, District-
Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Bhojpur at Arrah.
2. The Secretary, Irrigation Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Irrigation Department, Government of Bihar, Patna.
4. The Chief Engineer, Irrigation Indu Puri, District Rohtas at Sasaram.
5. Superintending Engineer, Sone Canal Circle, Arrah Bhojpur.
6. Executive Engineer, Flood Control Division, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr.Akhileshwar Singh, AC to G.A. - 2

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

Date : 08-05-2025

1. The Writ petition is filed seeking direction
to the respondents to pay the total dues amount of
Rs. 4,47,459/- with interest which was due since
1996.

2. During the course of argument, it is
brought to the notice of this Court by the Learned
counsel for the respondents that a detailed counter



affidavit has been filed by the 6th respondent wherein it is admitted by the respondents that the petitioner has filed the Writ petition for payment of dues amount for partial execution of construction of masonry dowel wall for Ch-613 to 618 of east Gangi river (Dist. - Bhojpur), for which an agreement of Rs. 6,34,016/- was made in 1990-91. As per the agreement, the work was to be commenced on 14.06.1990 and completed upto 31.03.1991. As per the records available, the petitioner could complete the work value of Rs. 4,87,959/- till 09.08.1996 against which he was already paid an amount of Rs. 40,500/- on 30.01.1991. After the expiry of the agreement, the petitioner could not complete the whole work and the partial work done him was not found admissible for payment till it was reviewed at higher competent level.



3. Further the counter affidavit disclose that the petitioner was silent for more than 25 years thereafter filed for claim of the amount for partial work done along with interest. Further a committee was constituted by the Department to examine the claims and liabilities and pursuant to it, the Committee has reviewed the claim and recommended for payment of the executed work and accordingly the Department has released the fund and the petitioner has been paid due amount in the month of March 2018, for an amount of Rs. 4,47,459/- including cost of 553 cement bag which were supplied by the respondent, for which an amount of Rs. 30,415 was recovered. The empty cement bags were not returned to the respondents by the petitioner, hence, cost of Rs. 7,988/- for 1997 empty cement bags was recovered. Further an amount of Rs. 1,40,250/- was recovered towards the



costs of 2550 bags of cements. As per the statutory orders, income tax and sales tax was deducted to a tune of Rs. 8948/- and 8139/- respectively. Similarly amount of Rs. 3553/- was deducted as royalty. A security deposit of Rs. 24,398/- and for quality control test report Rs. 24,398/- was deducted which is refundable to him, as soon as quality of work is found in order and proper application is to be submitted by the petitioner to Executive Engineer. After making necessary calculation, the net payable amount of Rs. 1,99,369/- was paid by way of cheque and the same was handed over to the petitioner.

4. The counter affidavit further disclose that there is no specific provision of interest, as per the agreement and therefore, the relief sought for interest is not admissible. Further the claim of the petitioner was decided in the year 2018. Lastly, it is contended in the counter affidavit that the entire



admissible amount was paid to the petitioner and therefore, nothing remains in the Writ petition for adjudication and prayed to dismiss the Writ petition.

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

6. The Learned counsel for the petitioner contends that he has made a proper application for refund of security deposit of Rs. 24,398/- and Rs. 24,398/- for quality control test report and therefore, prays to direct the respondents to make necessary payments to him.

7. Record reveals that the petitioner received an amount of Rs. 1,99,396/-. As per the counter affidavit the petitioner is entitled for the balance amount towards refund of security deposit as well as quality control test report on a proper application. Therefore, respondent-Executive



Engineer is directed to pass appropriate orders for refunding the said amount within a period of two months from the date of receipt of this order.

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

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.05.2025
Transmission Date	N/A

