

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12643 of 2017

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M/s Vikash Construction Son of Late Ramjee Rai, Office at Miyachak,
Sanichra Asthan, P.O.P.S.- Begusarai, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Educational Infrastructure Development Corporation
2. The Managing Director, Bihar State Education Infrastructure Development Corporation, Bihar.
3. The Chief Engineer, Bihar State Education Infrastructure Development Corporation, Bihar.
4. The Accounts Officer, Bihar State Education Infrastructure Development Corporation, Bihar.
5. The Executive Engineer, Munger, Bihar State Education Infrastructure Development Corporation, Bihar
6. Ram Sumiran Singh, Junior Engineer, Munger Commissioner, Bihar State Education Infrastructure Deve

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv. Mr. Anshul, Adv.
For the Respondent/s	:	Mr. Nivedita Nirvikar, Adv. Mr. Girjesh Kumar, Adv. Mr. Akash Anand, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-05-2025

1. The Writ petition is filed to command the respondents to calculate and measure the works executed by the petitioner, through an independent government-appointed valuer and to pay the assessed amount to the petitioner. The petitioner further seeks a direction to the concerned



authorities, to ensure that no lapses occurs which would render the completed work useless.

2. The brief facts culled out from the Writ petition is that the petitioner is a registered contractor, who applied for the tender invitation notice No. 2, for the year 2014-15 as advertised by the respondent on 19.05.2014. The relevant work pertains to the construction of a DIET (District Institute for Educational Training) building at Shahpur, Begusarai.

3. After completion of the entire process, the work was allotted to the petitioner vide Letter No. 222 dated 08.01.2015. The contract price was assessed 10,01,12,394/- Accordingly, the petitioner executed the work and respondent No. 6, the Junior Engineer, was the responsible person to incorporate all the work in the field measurement book. The petitioner calculated the completed work and raised bills accordingly. It is specific contention of the petitioner that 6th respondent failed to incorporate the entire work done in the field measurement book. Further, the petitioner submitted altogether 14 bills



which constitute huge amounts. As the bills were not paid, the petitioner was constrained to file the present Writ petition.

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

5. It is the specific contention of the Learned counsel for the respondent that no proper representation was made by the petitioner for payment of bills, except stating that he had raised 14 bills. In the absence of any appropriate representation, the respondents are unable to address the petitioner's grievances.

6. Further, it is contended by the Learned counsel for the respondent that the agreement itself stipulates that any disputes pertaining to the work are to be referred to arbitration under Arbitration and Conciliation Act, 1996 and without availing the alternative remedy, the petitioner approached this Court and the Writ petition is not maintainable.

7. Considering the entire material on record, it is evident that there is no impugned order in this



case. Further any disputes between the parties, has to be settled before an Arbitration as per the contents of the agreement. However, the petitioner is at liberty to approach respondent authority with all relevant documents for considering his claim, within one month from the date of receipt of this order. In turn, the respondent authority shall pass appropriate order after considering the merits on record. Furthermore, if the petitioner has any grievances, he can approach before appropriate authority.

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

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.05.2025
Transmission Date	16.05.2025

