

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10864 of 2024

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Munni Devi, aged about 39 years, Female, Wife of Ravikant Kumar Singh
Resident of Ward No. 09 Jatiyahi, P.O.-Jariyahi, P.O.-Jokiyari and P.S.-Raxaul
District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Managing Director, Bihar State Education Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rastra Bhasha Parishad Campus, Acharya Shiv Poojan Sahay Path, Saidpur, Patna-800004.
3. The General Manager (Administration), Bihar State Education Infrastructure Development Corporation Limited, Patna.
4. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Patna.
5. The Executive Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Tirhut West Division, East Champaran.
6. The Executive Engineer (Head Quarter), Bihar State Educational Infrastructure Development Corporation Limited, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate. Mr. Kanish Kaustaubh, Advocate. Mr. Akesh Kumar Sinha, Advocate. Mr. Shikhar Mani, Advocate.
For the Respondent/s	:	Mr. Standing Counsel (28)
For the BSEIDC	:	Mr. Girijish Kumar, Advocate.

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

5 29-01-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“(i) For issuance of direction
to the respondent authorities to*



release/pay the payment of extra items/work variation duly recorded in Measurement Book (MB) executed by the petitioner in connection with Agreement No. 53-F2 of 2022-23 dated 04.05.2022, for which recommendation by the Executive Engineer BSEIDC Limited, Tirhut West Division, East Champaran has already been made vide letter dated 29.09.2023 (Annexure 7).

(ii) The petitioner further prays for issuance of direction to the respondent authorities to grant extension of time as there was no delay on the part of the petitioner rather the land in the Banshi Dhar High School, Block-Adapur was provided after delay of 7 months and 18 days even then the petitioner completed entire work on 30.07.2023.

(iii) The petitioner further prays for issuance of direction to the respondent authorities to return the EMD/Additional Performance Guarantee as petitioner had already completed and the work completion certificate has also been issued by the authorities, for which recommendation has already been made by the Executive Engineer, BSEIDC, Limited, Tirhut West Division, East Champaran (Annexure P/8).”

3. Learned counsel appearing on behalf of the petitioner has stated that though the petitioner has completed the work and submitted his bills, the authority has till date not passed the final bills and also release the security deposit. Learned counsel has stated that in the



counter affidavit filed by the respondent, except stating that the petitioner had not completed the work within the time, no other reason has been given or any proceedings have been issued to the petitioner quantifying the amount to be deducted for the delayed work. Learned counsel has stated that even if the authorities deduct any amount, they are obligated to pay the balance amount to the petitioner and release the security deposit.

4. Having regard to the above, there shall be a direction to the respondent-authority to calculate the amount to be deducted for the delay in execution of the work by the petitioner and if any amount is lying with the respondents, they shall pay the balance amount to the petitioner including the release of the security deposit. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of the copy of this order. If any amounts are deducted towards the delay in execution of the work, necessary orders shall be passed duly putting the petitioner on notice and giving an opportunity of hearing. The petitioner is free to agitate his rights for the deduction, if



any, made.

5. With the above directions, the present writ
petition stands disposed of.

(A. Abhishek Reddy, J)

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