

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19096 of 2016

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M/S Rana Amrendra Electricals, Patna through proprietor Rana Amrendra Kumar Singh, Son of Ran Haribansh Singh, resident of Gaya Niketan, Yarpur Shivaji Path, P.S. - Gardanibagh, District and in the Town of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Vishweshraiya Bhawan, Patna.
2. The Electrical Chief Engineer, Building Construction Department, Vishweshraiya Bhawan, Patna.
3. The Electrical Superintending Engineer, B.C.D., South Bailey Road, Patna.
4. The Electrical Executive Engineer, Electrical Division No. 1, B.C.D., South Bailey Road, Patna.
5. The Junior Engineer, Electrical Division No. 1, B.C.D., South Bailey Road, Patna.
6. The Bihar Public Works Contracts Disputes Arbitration Tribunal through its Chairman at 3rd Floor Maurya Complex Budha Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raghwendra Sharan Pandey, Advocate
For the State	:	Mr. K.K. Singh, A.C. to G.P.-22

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 20-01-2025

Heard Mr. Raghwendra Sharan Pandey, the

learned Advocate for the writ petitioner and Mr. K.K.

Singh, the learned counsel for the State.

2. The petitioner, a contractor, had entered

into an agreement with the Electricity Department for



carrying out repair works in the M.L.A. Flats with the stipulation that the work shall be concluded within a period of ten days.

3. The work order, dated 06.03.2012, indicated that the payments would be made on the basis of progress of work report attached with the bills, duly countersigned by A.E.E. as well as the custodian of the building.

4. By around 10.03.2012, the Government took a decision of dismantling all the M.L.A. Flats for constructing a multi-storied building.

5. This was communicated to the petitioner, which is being denied by him presently.

6. The matter was taken to the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 for a direction to the respondents to make good the payment of the bills raised by the petitioner.

7. The claim of the respondents is that the petitioner had not started his work till 10.03.2012 and



shortly, thereafter, he was instructed to cease any further repair for the decision of the Government to dismantle the houses. In fact, the respondents before the Tribunal asserted that a spot verification was made and it was found that no work had been started/executed till 10.03.2012.

8. There is also no entry in the measurement book by the respondents.

9. The petitioner seeks to rest his claim on a proceeding of Bihar Vidhan Sabha where an issue was raised that the Government money is being mis-spent over repairs, electrical and civil, even when the buildings are under demolition.

10. In answer to the afore-noted question on 28.03.2012, the Government responded that some repair works have been done.

11. This, we are afraid, is no indication of the petitioner having carried out the electrical repair works in the concerned M.L.A. Flats.



12. For the absence of any counter signature of any one of the respondent authorities in the measurement book and no certification of the work having been completed, the claim of the petitioner remains only an affidavit against a counter affidavit.

13. Though the learned counsel for the petitioner has tried to impress upon this Court that the entire work entrusted to him was executed by him, but there does not appear to be any material for us to decide the correctness of such claim.

14. In view of such situation, we do not find any fault with the order passed by the Tribunal rejecting the claim of the petitioner.

15. The writ petition is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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