

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9970 of 2018

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Shri Binesh Kumar Son of Late Yugeswar Rai, At Post- Babupur, Kishanpur,
P.S. - Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief Building Department, Vishwasharaiya Bhawan, Govt. of Bihar, Patna, Bihar.
4. Th Deputy Secretary to the Govt. Building Construction Deptt. Vishwasharaiya Bhawan, Govt. of Bihar
5. The Superintending Engineer Vishwasharaiya Bhawan, Govt. of Bihar, Patna, Bihar.
6. The Executive Engineer, Building Construction Department, Building Division Samastipur.
7. The District Magistrate, Samastipur.
8. The Election Commission of India through the Chief Electoral Officer, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Syed Iqbal Ahmad- SC-20
		Md. Zeeshan Kalim, AC to SC-20
		Mr. Siddhantha Prasad, Adv.

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

Date : 30-06-2025

1. The Writ petition is filed for the following
relief:-

*That this is an application
for issuance of appropriate,
writ(s), order(s), direction(s) for
payment of admitted outstanding*



dues of Rs. 34,98,230/- out of total bill of Rs. 1,64,77,256/- (one crore sixty four lac seventy seven thousand two hundred fifty six only) with consequential order for the work for construction of 6000 capacity EVM Godown of Samastipur for the year 2014-15 and also bill of Rs. 1,42,0349/- for internal electrification and electrical installation in 6000 capacity EVM Godown without house at Samastipur.

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

3. A detailed counter affidavit was filed by respondent Nos. 1 to 6 wherein it is admitted that the petitioner had completed the work and is due to him. The counter affidavit further disclose that the respondents shall make payment of Rs. 45,40,435/- as soon as the funds are allotted and received by the concerned departmental division.



4. The said counter affidavit was filed on 09.02.2023; however, said the amount has not been paid to the petitioner to date. Therefore, this Court is of the considered view that the petitioner is entitled to the amount admitted by the department. Although the counter affidavit was filed in the year 2023 stating that the amount shall be paid to the petitioner upon allotment of funds from the department. However, the counter affidavit does not disclose the specific date on which such allotment will be made or when the payment will be paid to the petitioner.

5. Admittedly, the petitioner should not suffer for the works executed by him. Therefore, this Court is of the considered view that respondent Nos. 1 to 6 shall forthwith pay the amount to the petitioner.

6. It is an admitted fact that the petitioner had completed the works prior to 2018; therefore, he is entitled to interest on the amounts invested by him. Accordingly, interest @ of 6% per annum shall be paid on the admitted dues by the government, the same shall be paid forthwith to the petitioner.



7. With the aforesaid observations, the Writ
petition stands disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

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

