

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7613 of 2026

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M/S Aastha And Saumya Construction At P.O- Bhairwar, District- Begusarai, through its Partner Sunil Kumar, male, aged about 49 years S/O- Chandra Bhushan Prasad Singh, R/O- Bhairwar, Ward no.- 03, P.O and P.S- Bhairwar, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Road Construction Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department (RCD), Government of Bihar, Patna.
3. The Engineer-in-Chief (Work management) Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, North, RCD, Bihar, Patna.
5. The Superintending Engineer, Road Circle, District- Darbhanga.
6. The Executive Engineer, Road Construction Department, Road Division, Benipur, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Advocate General

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

2 13-05-2026 Heard learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

“I. For directing and commanding the responding authorities to foreclose the agreement bearing agreement no. 5 SDB/2022-23 namely Widening & Strengthening of Jariso chowk (SH-88) to Bharat Chowk (SH-56) Bypass road (via. Dakhram- Pauri- Mushahari- Dipa-Barmajha Pokhar-Pohaddi) in KM 0.00 to



5.550, under RCD Road Division, Benipur, pursuant to their decision taken (Letter of Acceptance) vide memo no. 77 dated 27.01.2023, moreover, till date neither entire land is available for performing the work, nor the land owners are allowing to carry out the work and due to passage of long time the price of labor, material and the cost has increased leaps and bounds.

II). For directing and commanding the responding authorities for making payment of difference of soil work, from estimated value, as private land owners have excavated approximately 4000M3 of soil from the level at which the calculation table of earth work is taken in the project estimate, using JCB.

III). For making payment of work of leveling which was not incorporated in the estimate of work in question, provision for leveling from 02KM in GSB, had not been made and during execution of work it was required additional leveling work was directed to be performed and total leveling work performed by the petitioner was 400M3 GSB material, out of which only payment of 13M3 was made and remaining 387M3 is required to be paid to the petitioner.

III(A). For making payment of extra carriage charges as in the estimate provision has been made of carriage of sand by road from Lakhisarai via Rajendra Bridge, but due to the



construction of Rajendra Bridge, the movement of heavy vehicles were banned for last five years, due to which additional carriage of about 67KM has been done via Munger by the petitioner.

IV). For making payment of cost of widening of 1165M and in 1KM DLC work, which was directed to be performed by the petitioner and accordingly was done by the petitioner and payment was not made as there was no provision in the estimate, and also payment of 2 feet, 10 inches widening, 1169 GSB, 1000M GSB+DLS.

V) For directing and commanding the respondent authorities for making payment after giving benefits of clause 10CC, as there was no land available for carrying out the work further, allotted to the petitioner since, there is still acquisition of land is pending.

VI). For making payment of difference of amount of GST from 12% to 18%, as from 12th running on account bills to 15th running on account bills, an amount of 18% was made by the petitioner.

VII) For making payment of an amount of Rs.49,00,000/- (forty nine lakhs) which was deducted from the running on account bills of the petitioner in the name of time extension.

VIII) For restraining the respondent authorities from taking any coercive action as against the



petitioner pursuant to agreement no. 05 SBD/2022-23.

IX). For making payment of entire amount of the work done by the petitioner along with penal interest @18% from date it became dues, till actual date of payment.

X). For making payment of cost of litigation taking into consideration the fact that due to malicious and biased attitude of the respondent authorities and petitioner has been compel to approach before this Hon'ble court.

XI). For any other relief or reliefs for which the petitioner is entitled under law in the facts and circumstances of the present case.”.

3. Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of admission with the consent of both the counsels.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has already ventilating his grievance by way of representations dated 21.04.2025 and 23.03.2026 to the Respondent No. 2, i.e., the Additional Chief Secretary, Road Construction Department, Government of Bihar (Annexure P/10 series) but the authority till date has not taken any steps to dispose of the same. Learned counsel therefore prays that a direction may be given to the Respondent No. 2 to



consider the said representations and take necessary action in accordance with law by fixing a time frame.

5. Having regard to the above made submissions, the present writ petition is disposed of directing the Respondent No. 2, i.e., the Additional Chief Secretary, Road Construction Department, Government of Bihar to consider the representations dated 21.04.2025 and 23.03.2026 (Annexure P/10 series) made by the petitioner as expeditiously as possibly preferably within a period of 6 weeks from the date of receipt of a copy of this order.

6. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

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

8. The petitioner is granted leave to furnish a copy of the present order along with a fresh representation, if he is so advised.

(A. Abhishek Reddy , J)

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