

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1395 of 2020

Rakesh Kumar Pandey Petitioner

Versus

1. The State of Jharkhand
2. Secretary, Building Construction Department, Ranchi
3. Executive Engineer, Building Construction Department, Building Division No.-1, Ranchi
4. Building Construction Corporation Limited, Jharkhand, Ranchi through its Managing Director
5. Executive Engineer-cum-Manager, Building Construction Corporation Limited, Ranchi

... .. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner :- Mr. A.K.Sahani Advocate

For the State :- Mr. Binit Chandra, A.C. to A.A.G.-III

Order No. 03

Dated: 10.09.2020

The present case is taken up through video conferencing.

2. At the request of the learned counsel for the petitioner, the defect, as pointed out by the office, is ignored.

3. The present writ petition has been filed for issuance of direction upon the respondents to pay the due amount to the petitioner kept under the head of "security deposit" and the amount deducted from his running bill on account of extension of time, along with suitable interest.

4. Learned counsel for the petitioner submits that the petitioner is a registered contractor under the Department of Building Construction, Government of Jharkhand. On 25.03.2013, the Executive Engineer, South Chhotanagpur Division, Health and Family Welfare Department, Namkum, Ranchi (re-designated as Executive Engineer-cum-Manager, Building Construction Corporation Limited, Ranchi- the respondent no. 5) issued the work order to the petitioner for construction of Health Sub-Centre at Chuttu, Kanke, Ranchi. An agreement to that effect valued to the extent of Rs.26,69,500/- was also executed between the petitioner and the respondent no. 5. The said work was to be completed within a period of six months from the date of commencement. Upon the completion of the work, the same was handed over to the concerned department which was accepted without

objection. The petitioner was also paid the amount as per the final settlement of bill. However, an amount of Rs.1,96,226/- which was deducted as security deposit from five running bills submitted by the petitioner and Rs.99,000/- deducted from the running bill towards extension of time are still lying with the department. The petitioner made a representation on 17.05.2018 before the Executive Engineer, Building Construction Department, Building Division No.-I, Ranchi (the respondent no. 3) for refund of the said amount followed by another representation dated 18.12.2018 before the respondent no. 5 as well as the reminder dated 13.02.2019 before the Managing Director, Building Construction Corporation Limited, Jharkhand, Ranchi (the respondent no. 4). Subsequently, the respondent no. 3 vide letter no. 1152 dated 25.04.2018 requested the respondent no. 5 to remit the records/measurement books of different works including the aforesaid work executed by the petitioner. Thereafter the respondents have not taken any step towards payment of the aforesaid due amount of the petitioner in relation to the work in question.

5. Having heard the learned counsel for the parties and keeping in view the nature of the prayer made by the petitioner in the present writ petition, without going into the merit of the case, the petitioner is at liberty to file a fresh representation on the present issue before the respondent no. 3. On receipt of the said representation, the respondent no. 3, after verifying the relevant records and on providing due opportunity of hearing to the petitioner/his representative, shall take appropriate informed decision in accordance with law, preferably within a period of three months from the date of filing of the said representation.

6. The writ petition is accordingly disposed of with the aforesaid liberty and direction.

(Rajesh Shankar, J.)