

**(2012) 07 JH CK 0233**

**In the Jharkhand High Court**

**Case No : Writ Petition (C) No. 4503 of 2006**

M/s Uday Construction

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

---

**Date of Decision : 16-07-2012**

**Acts Referred:**

**Citation : (2013) 1 JLJR 530**

**Hon'ble Judges : Aparesh Kumar Singh, J**

**Bench : Single Bench**

**Final Decision : Dismissed**

---

## **Judgement**

Aparesh Kumar Singh, J.—None appears on behalf of the petitioner, however counsel for the respondent is present. The prayer has been made in the writ petition for issuance of direction upon the respondents to pay the admitted amount of Rs. 1,34,832/- alleged to be withheld by the respondents after completion of the repair work of the Government Polytechnic School (Boys Hostel) at Dumka.

2. According to the petitioner in spite of the completion of the work and measurement having been taken in terms of the agreement the said amount has been arbitrarily withheld.

3. Respondents have appeared and filed their counter affidavit wherein it has been stated that an agreement was executed between the respondents and the petitioner for repair work of the said hostel vide agreement No. 156 F-2/2002-03 which was to be done on 15% below the scheduled rate. After repairing work the bill was prepared by the Junior Engineer and an amount of Rs. 3,59,317.84 was paid to the petitioner. However, the matter was subjected to inquiry by the Superintending Engineer to ascertain the claim of the petitioner and it has been found out that the plinth protection work was not done according to the measurement book. Further, work of stone flooring was done partially. It is also stated that in respect of replacement work in doors and windows work has not

been done as per specification. It is stated in para 7 of the counter affidavit that petitioner has not done the work as per the specification and he is not entitled for the raised amount. It is further submitted that the Junior Engineer, through whom bill was prepared has been suspended vide order No. 196 dated 8.11.2006 and the Assistant Engineer has been asked to explain and further department also asked Chief Engineer to seek explanation from the contractor regarding the aforesaid facts and take action for blacklisting. It is also stated that petitioner is not entitled to any amount and no dues are admitted on the part of the department to be paid to the petitioner.

4. In view of the statements made in the counter affidavit, it is apparent that the relief claimed by the petitioner are not admissible to be paid by the respondents. Hence, no writ or direction can be issued by exercising the extraordinary jurisdiction of the court for payment of the aforesaid amount to the petitioner. Accordingly, this application is dismissed.