

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8039 of 2015

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M/s Brilliant Bio Pharma Private Limited, a Company registered under the Companies Act, having its registered office at 6-2-1012, TGV Mansion, 5th Floor, Khairatabad, Hyderabad- 500004 through its Vice President (MKTG), Mr. Ashok Kumar Saxena, S/o N.L. Saxena, Resident of Flat No. 302, Manas Height, Manas Enclave Colony, Indira Nagar, P.S.- Indira Nagar, District Lucknow, Uttar Pradesh.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar
2. The Department of Animal and Fish Resources (Animal Husbandry), Government of Bihar, Vikas Bhavan, New Secretariat, Bailey Road, Patna through its Principal Secretary
3. The Principal Secretary, The Department of Animal and Fish Resources (Animal Husbandry), Government of Bihar, Vikas Bhavan, New Secretariat, Bailey Road, Patna
4. The Special Secretary, Animal Husbandry, Government of Bihar, Vikas Bhavan, Bailey Road, New Secretariat, Patna.
5. The Director, Animal Husbandry, Government of Bihar, Vikas Bhavan, Bailey Road, New Secretariat, Patna.
6. The Director, Institute of Animal Health and Production at Patna, Bihar-800014

.... Respondents

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Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Advocate
Mr. Kumar Brijnandan, Advocate

For the Respondents : Mr. Md. Raisul Haque, SC 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-09-2015

Heard learned senior counsel for the petitioner and learned
Counsel for the State.

2. This writ petition has been filed for a direction to the respondents to pay the outstanding dues to the petitioner claimed at Rs.2,96,52,386/- along with interest thereon towards the bills raised by it on account of district-wise supply of HS+BQ vaccine pursuant to the purchase orders issued by the respondents.

3. It is submitted on behalf of the petitioner that the supplies

of vaccine had been made for the periods 2012-13 and 2013-14 in respect of which invoices were raised for Rs.2,28,44,443/- and Rs.3,67,22,807/- (in all aggregating to Rs.5,95,67,250/-) out of which partial payment has been made, leaving an outstanding amount of Rs.2,96,52,383/- to be paid to the petitioner together with interest claimed thereon.

4. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Director, Institute of Animal Health and Production at Patna, Bihar (Respondent No.6) with a fresh representation, who will examine the matter and take steps for payment of the admitted dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the admitted amount is not paid to the petitioner within such period then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the entire claim of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

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(Vikash Jain, J)