

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19666 of 2012

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D.M.G. Consulting Pvt. Ltd. having its Corporate Office, A 81- Sector 65, Noida 201301, P.S. and District- Gautam Budha Nagar, U.P., through the Director, Alok Vatsyayan, 391, Niti Khand 3 At and P.S.- Indra Puram, District- Gajiabad, U.P.- 201301

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Finance Department, Government of Bihar, Patna
2. The Infrastructure Development Authority (IDA), Ist Floor, Udyog Bhawan, East Gandhi Maidan, Patna through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate
For the State : Mrs. Nivedita Nirvikar GP3
For Respondent No.2: Mr. Lalit Kishore, Sr. Advocate
Mr. Parth Sarthy, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-09-2015

The present writ petition has been filed for various reliefs connected with the payment of admitted dues for the work of project design consultancy; for consideration of the bills submitted by the petitioner and also for calculation of the amount of the consultancy fees in terms of agreement dated 28.07.2008.

2. Learned counsel for the petitioner, however, filed a mentioning slip for taking up the matter out-of-turn confining the prayer only for payment of the admitted dues by the respondents.

3. It is submitted on behalf of the petitioner that the petitioner being a Consultant has done the project design consulting



work by way of submitting the working drawings of Central Jail and completed the allotted work according to the requirements of the Infrastructure Development Authority. It is further submitted that an amount of Rs.22,18,500/- has been paid out of the admitted dues of Rs.36,97,502/- but the remaining amount has not been paid, possibly on the ground that the petitioner had been blacklisted which itself is illegal as the petitioner is a consultant and not a contractor.

4. Mr. Lalit Kishore, learned senior counsel for the respondent no.2, on the other hand invites attention to letter no. 1068/PDA dated 07.05.2012 to the effect that the petitioner had been blacklisted and further payment could be withheld in terms of the Revised Bihar Enlistment of Contractor Rules, 1982.

5. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent of the parties, granting liberty to the petitioner to approach the Managing Director, Infrastructure Development Authority (respondent no. 2) with a fresh representation, who will examine the matter and take steps for payment of the outstanding amount of the admitted dues of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. If the outstanding amount is admitted but not paid to the petitioner within the said 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 remaining claim of the petitioner is not found admitted, then it should be communicated the reasons for reaching such conclusion.

(Vikash Jain, J)

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