

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18448 of 2015

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M/s. Unicon Commotrade Pvt. Ltd. a registred Company having on of it's place of business at Ruidhasa , Kishanganj, -855107, through its authorised representative Ganesh Kumar Goenka son of late Shriram Goenka, resident of Babupara, P.s Siliguri,district Siliguri.

.... Petitioner/s

Versus

1. The Bihar State Power Transmission Company Ltd. Transmission Area, 132/133, KV Grid , S/s Campus, Bhikhanpur, Po and District Muzaffarpur through its Managing Director.
2. The General Manager cum Chief Engineer, Transmission Area, 132/133, KV Grid, S/S campus, Bhikhanpur, Po and District Muzaffarpur.
3. The Electrical Superintendent Engineer, Trans Circle , Purnea.
4. The Electrical Executive Engineer(T), Trans Circle , Purnea.
5. The Assistant Electrical Engineer, T/S/D, Trans Circle Store , Purnea.
6. The Assistant Electrical Engineer,T/C/D , Bihar State Power Transmission company ltd Purnea.
7. The Store Assistant , T/C/S , Bihar State Power Transmission company ltd Purnea.
8. M/s M.S.T.C. Ltd, having it's Easter regional office at 225 F A J C Bose Road, 3rd, Floor , Kolkata, -700020 through its Managing Director.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 16-12-2015

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for a
direction to the respondents to release 95.475 MT being the
balance of scrapped materials in favour of the petitioner in light of
the sale/release order no. 1695/Muz, dated 02.09.2014; to refund



a sum of Rs. 79,60,514/- being the value of 95.475 MT of scrapped materials admittedly not delivered by the respondents inspite of full amount of sale consideration being Rs. 2,59,82,253/- been already paid by the petitioner before issuance of sales/release order dated 2.09.2014; and for restraining the respondents from further selling and release of scrapped materials of the kind and nature sold to the petitioners vide sale/release order no. 1695/Muzaffarpur dated 2.09.2014 till the petitioner is either delivered the balance quantity of 97.475 MT of scrapped materials or in the alternative refunded back the value of such materials.

3. At the time of hearing, learned counsel for the petitioner, however, confines the relief sought, seeking only a direction to the Respondent No. 1 to dispose of its representation dated 03.06.2015 said to be pending before him as well as to make payment of any admitted dues to the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter and with consent of the parties, the writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Patna (Respondent No. 1) with a fresh representation for redressal of

his grievances within a period of two weeks from today. If such a representation is filed, the same shall be considered and disposed of on its own merits in accordance with law expeditiously and preferably within six weeks from the date of the representation being filed.

6. It is also directed that after examining the matter, steps shall be taken for ensuring payment to the extent found admittedly due to the petitioner within a further period of six weeks after disposal of the petitioner's aforesaid representation. In case the petitioner's claim is found inadmissible, whether in whole or in part, reasons for the same shall be communicated by speaking order in that regard.

7. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/-

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