

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5454 of 2014

=====

M/S U.B.Engineering Ltd. And M/S A2Z Maintenance and Engineering Services Ltd.....A Joint Venture through its Legal Executive Mr. Ankur Gupta, having its Registered Office at 0-116, First Floor, Shopping Mall, DLF City, Phase-1, Gurgaon- 122002, (Haryana).

.... Petitioner

Versus

1. The State of Bihar through Energy Secretary, Energy Department, 8- Daroga Rai Path, Patna- 80001.
2. Chairman Cum Managing Director, Bihar State Power Holding Company Ltd., 1st Floor, Vidyut Bhawan, Bailey Road, Patna- 80001.
3. Managing Director, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna- 800001.
4. Chief Engineer, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna- 800001.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Anurag Saurav, Advocate
For the Respondent/s : Mr. GP22- Gyan Prakash Ojha

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2016

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

2. The present writ petition has been filed for various reliefs by way of a direction to the respondent-authorities to apply the Price Variation Clause in terms of Clause 1.3.9.3 of the General Condition of Contract, as well as for making payment of admitted dues, in relation to supply of equipment for Turnkey execution of 220/132/33 KV Grid Sub Station Begusarai against NIT No.211/PR/BSEB/2006.



3. It is submitted on behalf of the petitioner that the entire work contemplated to be done in terms of the relevant tender was duly completed and for which bills have been submitted which remained pending. It is submitted that the petitioner is entitled to the Price Variation Clause, the claim in respect to which also remains pending with the respondents.

4. Learned counsel for the respondent-Power Company opposes the writ petition and submits that the petitioner has adequate alternative remedy in terms of Clause-50 of the Purchase Order.

5. Having regard to the nature of the grievance raised, this writ application is disposed of with consent of the petitioner, granting liberty to the petitioner to approach before the Managing Director, Bihar State Power Transmission Company Ltd. Vidyut Bhawan, Bailey Road, Patna (Respondent no.3) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues

calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

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

(Vikash Jain, J)

N.H./-

U			
---	--	--	--