

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5529 of 2014

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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

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Appearance :

For the Petitioner : Mr. Anurag Saurav, Advocate
For Respondent-Bihar State Power
Transmission Company : Anand K. Ojha, Addl. S.C.
For the Respondent-State : Mrs. Archana Jha, A.C. to G.A.13

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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 a
direction to the respondents to make payment of the amount claimed
by the petitioner to be due to him pursuant to work having been
completed in terms of the tender awarded in favour of the petitioner.

3. It is submitted on behalf of the petitioner that
additional work had been done over and above had contemplated with

the agreement, for which the petitioner is entitled for payment but the same has not been made.

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)

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