

/IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13979 of 2015

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Shrinet & Shandilya Construction Pvt. Ltd., 2nd floor, Green Plaza shopping Complex, Plot A, Abhay Khand III, Indrapuram, Gaziabad, Uttar Pradesh, having its Project Office at mohalla Malik Tola, near Veer Kunwar Singh Maidan, P.S. Banka, District Banka, through the authorized signatory Rahul Prabhat, son of Late Ranjeet Kumar Singh, resident of Village Kakwara, P.S. Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Executive Engineer, Road Construction Department, Road Division, Banka.
4. The Union of India through the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
5. The Commissioner of Customs and Excise, Bihar, Central Revenue Building, Birchand Patel Path, Patna.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.13980 of 2015

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Shrinet & Shandilya Construction Pvt. Ltd., 2nd floor, Green Plaza shopping Complex, Plot A, Abhay Khand III, Indrapuram, Gaziabad, Uttar Pradesh, having its Project Office at mohalla Malik Tola, near Veer Kunwar Singh Maidan, P.S. Banka, District Banka, through the authorized signatory Rahul Prabhat, son of Late Ranjeet Kumar Singh, resident of Village Kakwara, P.S. Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Executive Engineer, Road Construction Department, Road Division, Banka.
4. The Union of India through the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.13815 of 2015

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Sudesh Kumar Singh & Co. Construction Pvt. Ltd. through its Managing

Director Sudesh Kumar Singh S/o Late Brij Nandan Prasad Singh resident of At - Kalyanpur, P.S. Jamui, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
2. The Engineer - in - Chief - Cum - Deputy Secretary, Road Construction Department, Government of Bihar, Patna
3. The Chief Engineer, North Bihar Upbhag, Road Construction Department, Darbhanga
4. The Superintending Engineer, Road Construction Department, Darbhanga Division, District Darbhanga
5. The Executive Engineer,Road Construction Department, Road Division, Jamui, District - Jamui
6. The Government of India through Ministry of Finance Department of Revenue, New Delhi

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.14538 of 2015

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M/s Balkrishna Bhalotia Construction Pvt. Ltd. through its Director, Rajeev Ranjan Bhalotia, Son of Late Ram Pratap Bhalotia, resident of At- Purani Bazar, P.S. Jamuin, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Raod Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Deputy Secretary, Raod Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Raod Construction Department, Road Division, Jamui, District- Jamui.
4. The Executive Engineer, Raod Construction Department, Road Division, Jamui, District- Jamui.
5. The Executive Engineer, Raod Construction Department, Road Division, District- Lakhisarai.
6. The Government of India through Ministry of Finace Department of Revenue, New Delhi.

.... Respondent/s

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with

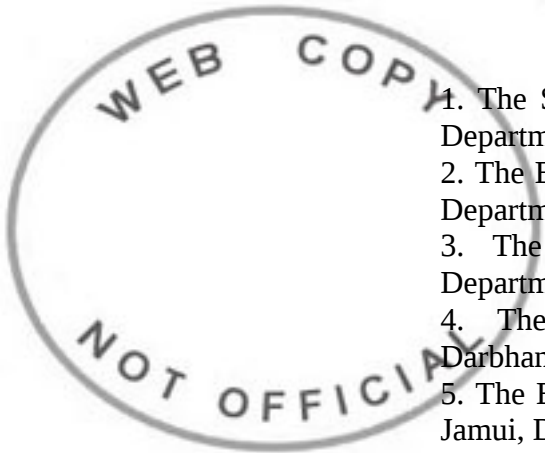
Civil Writ Jurisdiction Case No.17491 of 2015

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Durga Towers Pvt. Ltd. at Village- Mahtha, P.S.- Jaynagar, District- Madhubani through its Director, Sri Shiv Kumar Jha.

.... Petitioner/s

Versus



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1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
 2. The Engineer-in-Chief-cum- Deputy Secretary, Road Construction Department, GOvernment of Bihar, Patna.
 3. The Chief Engineer, North Bihar Upbhag, Road Construction Department, Darbhanga.
 4. The Superintending Engineer, Road Construction Department, Darbhanga Division, District- Darbhanga.
 5. The Executive Engineer, Road Construction Department, Darbhanga Division, District- Darbhanga.
 6. The Government of India through Ministry of Finance Department of Revenue, New Delhi.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.17496 of 2015

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M/s Topline Infra Projects Pvt. Ltd., Registered Office- Premier House 19, G.C. Avenue, 2nd Floor, Room No.-6A, Kolkata- 700 013 and having Branch office- Ambedkar Chowk, Mirchaibari, Katihar-854105 through it Power of Attorney holder Rakesh Kuimar Khudania, Son of Sri Nandlal Khudania

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Constructon Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, North Bihar wing, Road Constructon Department, Darbhanga.
4. The Superintending Engineer, Road Construction Department, District- Sharsha
5. The Superintending Engineer, Road Construction Department, North Bihar Circle District- Purnea.
6. The Executive Engineer, Road Construction Department, Madhubani Division, District- Katihar.
7. The Executive Engineer, Road Construction Department, Road Division, District-Purnea.
8. The Executive Engineer, Road Construction Department, Road Division, District-Purnea.
9. The Government of India through Ministry of Finance Department of Revenue, New Delhi.

.... Respondent/s

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Appearance :

(In CWJC No.13979 of 2015)

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|----------------------|---------------------------------|
| For the Petitioner/s | : Mr. Ajit Kumar |
| For the Respondent/s | : Mr. Pawan Kumar, A.C. to GA-9 |
| For respondent No.4 | : Mr. S.D. Sanjay, ASG |

Mr. Anshay Bahadur Mathur

(In CWJC No.13980 of 2015)

For the Petitioner/s : Mrs. Archana Sinha
Mr. Ajit Kumar
For Respondent Nos.1to3 : Mr. Pawan Kumar, A.C. to G.A.9
For respondent No.4 : Mrs. Nivedita Nirvikar, CGC
: Mr. S.D. Sanjay, ASG
Mr. Anshay Bahadur Mathur, CGC

(In CWJC No.13815 of 2015)

For the Petitioner/s : Mr. Vikas Kumar
For the Respondent 1 to 5: Mr. Ranjeet Kumar, A.C. to PAAG
Mr. Anil Kumar Sinha, G.A.9
Mr. Bijoy Kumar Sinha, A.C. to AAG 9
For respondent No.6 : Mrs. Nivedita Nirvikar, CGC

(In CWJC No.14538 of 2015)

For the Petitioner/s : Mr. Vikas Kumar
For Respondent Nos.1to5: Mr. Ranjeet Kumar, A.C. to PAAG
Mr. Anil Kumar Sinha, G.A.9
Mr. Bijoy Kumar Sinha, A.C.to AAG9
For respondent No.6 Mrs. Nivedita Nirvikar, CGC

(In CWJC No.17491 of 2015)

For the Petitioner/s : Mr. Vikas Kumar
For the Respondent/s : Mr. Ranjeet Kumar, A.C. to PAAG
Mr. Anil Kumar Sinha, G.A.9
Mr. Bijoy Kumar Sinha, A.C.to AAG-9
For respondent No.6 : Mrs. Nivedita Nirvikar, CGC

(In CWJC No.17496 of 2015)

For the Petitioner/s : Mr. Vikas Kumar
For the Respondent No.9: Mr. S.D. Sanjay, ASG
Mr. Anshay Bahadur Mathur, CGC

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and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

10 15-02-2016 The stand of learned counsel for the State is that the Principal Secretary has already issued instructions for refund of amounts, which have been wrongly deducted despite notification to the contrary by the Ministry of Finance and also the order dated 28.07.2015 passed in C.W.J.C. No.7694 of 2015 and its analogous

cases.

Learned counsel for the petitioners in C.W.J.C. Nos.13815/2015, 14538/2015. 17491/2015 and 17496/2015 admits that the refund has already been made so far as the petitioners are concerned.

Learned counsel for the petitioners in the other two cases, being C.W.J.C. Nos 13979/2015 and 13980/2015, submits that as per instructions the amounts are still lying with the Treasury and the petitioners are yet to receive the same.

In the aforesaid view of the matter, the writ applications have become infructuous and they are, accordingly, dismissed as infructuous.

Let the respondents ensure that the refunds are made to the petitioners of the first two cases also expeditiously.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Sudhir Singh, J)

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