

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5735 of 2014

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M/S Western Supply, Sadar Bazar, Danapur Cantt., Patna- 801503, through its one of the partner Akhtari Begum, W/O- Late Md. Shaukat, Resident of 21, Polo Squire, Danapur Cantt., P.S.- Danapur, Distt.- Patna

.... Petitioner

Versus

1. The Union of India, through the Secretary, Ministry of Defence, Govt. of India, New Delhi
2. The BRIG, ASC HQ 101, Area C/O-99 APO,
3. The GOC-in-C, HQ, Eastern Command, Fort William, Kolkata- 21
4. The MG ASC, HQ Eastern Command, Fort William, Kolkata-21
5. The Officer Commanding CHT Office, Supply Department, ASC, Mismari- 784506 (Assam)
6. The CDA Udyan Vihar, Narangi, Guwahati- 781171 (Assam)

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhakar Singh, Advocate
For Respondent Nos. 1 to 5: Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-01-2016

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 make payment of the amount claimed by the petitioner to be due to it 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 despite the bills having been raised in respect of the work done, no payment till date has been made to the petitioner despite lapse of over two years.

4. A counter affidavit has been filed on behalf of respondent nos. 1 to 5, inter alia, stating that the matter relates to respondent no.6

to whom the petitioner's bills have been forwarded.

5. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting it liberty to approach the CDA Udyan Vihar, Narangi, Guwahati (Assam) (Respondent No. 6) with a fresh representation for redressal of its 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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