

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2955 of 2015
In
Civil Writ Jurisdiction Case No. 8192 of 2015

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1. M/s Meinhardt (Singapore) PTE Ltd., with its registered place of business in India under Section 592 of the Companies Act, 1956 with its Indian registered Office at A-8, Sector-16, Noida-210301, Uttar Pradesh through its Director (Contracts), Sri Arun Kumar son of Late Maharaj Krishna Gupta resident of House no.2, Road no.48, West Punjabi Bagh, New Delhi- 110026.

.... Petitioner/s

Versus

1. The State of Bihar Through Amrit Lal Meena S/o not known Present , Presently Posted as the Principal Secretary-cum-commissioner, Urban Development & Housing Department , Government of Bihar, Vikas Bhawan, Bailey Road, Patna.-800001
2. Narendra Kumar Singh S/o not known at Present , Presently Posted as the Managing Director , Bihar Urban Infrastructure Development Corporation Limited , 3rd,Floor , Maurya tower , Maurya Lok Complex, Budh Marg Patna-800001
3. Jai Singh S/o not known at Present Presently Posted as the Municipal Commissioner , Patna Municipal Corporation , 2nd Floor-C-Block Maurya Lok Complex Patna-800001
4. Daya shankar Mishra S/o not known at Present Presently Posted as the General Manager (Works), Bihar Urban Infrastructure Development Corporation Limited , 3rd Floor, Maurya tower, Maurya Lok Complex, Budh Marg Patna =-800001

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.2105 of 2015
IN
Civil Writ Jurisdiction Case No. 8192 of 2015

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1. M/s Meinhardt (Singapore) Pte Ltd with its registered place of business in India under section 592 of the Companies Act 1956 with its Indian Registered Office at A-8 Sector -16 Noida -210301 Uttar Pradesh through its Director (Contracts) Sri Arun Kumar Gupta Son of Late Maharaj Krishna Gupta R/o House No. 2, Road No. 48, West Punjabi Bagh, New Delhi- 110026

.... Petitioner/s

Versus

1. The State of Bihar through Amrit Lal Meena Son of not known Presently posted as the Principal Secretary cum Commissioner Urban Development & Housing Department Govt of Bihar, Vikash Bhawan, BaileyRoad, Patna- 800001
2. Devendra Kumar Shukla Son of not known Presently posted as The Managing Director, Bihar Urban Infrastructure Development Corporation

Limited 3rd floor Maurya Tower, Maurya Lok Complex, Budh Marg, Patna-800001

3. Jai Singh Son of not known Presently posted as The Municipal Commissioner, Patna Municipal Corporation 2nd floor, C-Block Maurya Lok Complex Patna-800001

4. Daya Shankar Mishra Son of not known Presently posted as The General Manager, Bihar Urban Infrastructure Development corporation Limited, 3rd floor Maurya Tower, Maurya Lok Complex, Budh Marg, Patna-800001

.... Respondent/s

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Appearance :

(In MJC No.2955 of 2015)

For the Petitioner/s : Mr. Mrigank Mauli

For the Respondent/s : Mr. Aag14 K.K. Jha

(In MJC No.2105 of 2015)

For the Petitioner/s : Mr. Mrigank Mauli

For the Respondent/s : Mr. Aag14 K.K. Jha

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

12 19-10-2016 Both these contempt applications have been filed against the respondents for willful disobedience of this Court's order dated 3.6.2015 passed in C.W.J.C.No.8192 of 2015.

The writ application was filed for quashing the letter dated 31.7.2014 whereby the respondent Bihar Urban Infrastructure Development Corporation Limited rescinded the agreement, dated 17.10.2012 between it and the petitioner for preparation of detailed project reports and bid documents; tendering for execution, construction, supervision and quality control of sewerage and drainage projects of Patna under JNNURM. A further prayer was also made for release of service fee to the petitioner to the tune of Rs.7,58,79,856/- along with 15% interest

per annum for the period of intentional delay in releasing the payments in spite of completion of the agreed phases of the work handed over to the petitioner.

It appears that vide order, dated 3.6.2015 passed in C.W.J.C.No.8192 of 2015, this Court while directing the respondents to file counter affidavit restrained the Opposite parties from appointing any new consultancy in place of the petitioner and also restrained them from using the data, designs and drawings produced by the petitioner.

The first contempt application bearing MJC No.2105 of 2015 was filed alleging that despite restrained order, the respondents are using data, design and drawings produced by the petitioner. The second contempt application, bearing MJC No.2955 of 2015 was filed against alleged appointment of new consultancy in place of the petitioner. During the pendency of the contempt application, the writ petition bearing CWJC No.8192 of 2015 was finally allowed vide order, dated 29.8.2016 on the ground that the impugned order, dated 31.7.2014 cancelling the agreement, dated 17.10.2012, was passed without issuing any show cause notice and thus without complying with the principle of natural justice. However, BUIDCO was given liberty to take fresh steps in the matter in accordance with law.

Had the writ application would not have been disposed of by this Court, this Court would have proceeded with the contempt applications in order to satisfy itself whether there was a violation of the Court's order. Now that the order dated 31.7.2014, challenged in the writ has been set aside, this Court is of the view that the petitioner would be at liberty to stake its claim for compensation if the data, designs and drawings produced by it has been utilized by the respondents despite the restrain order dated 3.6.2015.

With the aforesaid liberty, these contempt applications are disposed of.

(Samarendra Pratap Singh, J)

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