

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13974 of 2016

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M/s ESMECO, A partnership firm having its office at 43, Jamuna Apartment, Boring Road, P.S. S.K. Puri, District Patna through one of its Partners Shiv Kumar Agrawal Son of Late Keshari Chand Agrawal, Resident of 44, Jamuna Apartment, Boring Road, P.S. S.K. Puri, District Patna.

.... Petitioner

Versus

1. The North Bihar Power Distribution Company Ltd., Patna, Bihar, a Government of Bihar undertaking, having its registered office Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
2. The Director (Finance), North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Department of Store and Purchase, North Bihar, Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Superintending Engineer, Department of Store and Purchase, North Bihar, Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Road, Patna.
5. The Chief Engineer (Planning), Department of Planning, North Bihar Power Distribution Company Ltd., Patna, Bihar, having its office Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arjun Kumar, Advocaty.

For the Respondents : Mr. Vinay Kirti Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-11-2017

The present writ petition has been filed for the following reliefs:

“(i) For issuing direction to the respondents to release Rs. 16,66,720/- or whatever amount comes out after accounting against the Supply of GI Earthing Pipe (GI Pipe for the sake of brevity) under purchase order given by the respondents and the supply received by them.

(ii) For issuance of direction or appropriate writ to the



respondent company to account for the supply of the materials (GI Earthing Pipe) under NIT No. 232/PR/NBPDCL/2013 followed by the purchase order no. 82 dated 21.12.2013.

(iii) For the issuance of any other appropriate writ(s)/order(s)/direction(s) for which the petitioner is found entitled for in the present facts and circumstances of the case.

2. Learned counsel for the petitioner submits that despite having completed the supply of materials in terms of the agreement between the parties, an amount of Rs. 16,66,720/- remains outstanding for payment.

3. Learned counsel for the respondent-Power Company relies on the counter affidavit to submit that the quantity of supply of materials by the petitioner did not accord with the specification and hence the fulfillment of the contract as claimed by the petitioner is in dispute.

4. Having heard the parties and considering the nature of the prayer of the petitioner, the writ petition is disposed of granting liberty to the petitioner to approach the Chief Engineer, Department of Store and Purchase, North Bihar Power Distribution Company Ltd., Patna, Bihar, (Respondent No. 3) 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 6% 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.

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

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.11.2017
Transmission Date	N.A.

