

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5949 of 2018

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M/s Dhanpat Prasad, through its one of the partner Mr. Sanjay Kumar, Son of Late Binda Prasad, Resident of Mohalla- Line Par, P.S.- Nawada, P.O.- Nawada, District- Nawada, Pin- 805110, State- Bihar.

.... Petitioner

Versus

1. Bihar Medical Services Infrastructure Corporation Ltd., through its Chief Managing Director, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna-1.
2. The Chief Managing Director, Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna-1.
3. The Managing Director, Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna-1.
4. The General Manager, Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna-1.
5. The Dy. General Manager (Projects), Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna-1.
6. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
7. The Principal Secretary, Health Department, Government of Bihar, Patna.
8. The Principal, Patna Medical College Hospital (in short PMCH), Patna-1.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Sahay, Advocate

For the Respondents : Mr. Chittranjan Sinha, Pr.AAG2

For the BMSICL : Mr. Prabhat Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

Heard learned counsel for the petitioner, learned counsel
for the State as well as learned counsel for the respondent-BMSICL.

2. The present writ petition has been filed for the
following reliefs –

*“(i) For Commanding and directing the concerned respondent to allow the petitioner to complete the allotted work namely “Construction of B.Sc Nursing College & Hostel at P.M.C.H., Patna for the year 2017-18”.
In terms of the contract under Agreement No. B.Sc. Nur.*



P.M.C.H/SBD/20/2017-18 dated 16.02.2017, because the respondents have stopped the said work since long back.

(ii) For further directing the concerned respondent to give the reasonable time extension for completing the said contract for betterment of public.

(iii) For further directing the concerned respondent to pay the claimed amount of Rs. 16,56,305/- (Rupees Sixteen Lakhs Fifty Six Thousand Three Hundred Five) only, along with interest @ 18% per annum from the date of said claim, which relates to work done and expenditure towards salary of staffs, and tools and plants during idle period.

(iv) For further passing such an order or orders for which the petitioner is entitled under the law in the facts and circumstances of this case.

3. At the very outset learned counsel for the petitioner submits that it will suffice if the petitioner is permitted to approach the Chief Managing Director, Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna (respondent no. 2) with a fresh representation for redressal of its grievances raised in the present writ petition, in which event, the present writ petition need not be pressed on merits.

4. Learned counsel for the respondents appear and have been heard.

5. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of granting



liberty to the petitioner to file a fresh representation before the Chief Managing Director, Bihar Medical Services Infrastructure Corporation Ltd., 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna (Respondent No. 2) 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 expeditiously and preferably within a further period of eight weeks thereafter in accordance with law.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.04.2018
Transmission Date	N.A.

