

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18391 of 2017

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Hue Services Pvt. Limited (H.P. Channel Business Partner), Flat No. 402, 4th Floor, Ganesh Complex, P.O. - Kadamkuan, Patna- 800003, Bihar, represented through Sri Birendra Kumar Son of Sri Indramani Rai Branch Manager Bihar & Jharkhand Circle.

.... Petitioner

Versus

1. The P. M. G. (N. W. P. C. S. A.), Ist Floor, Circle officer, Sanchar Bhawan, Patna - 800001
2. The Chief General Manager, Circle Office, 2nd Floor, Telephone Bhawan, Patna 800001
3. The Chief General Manager, Circle Officer, 2nd Floor, Sanchar Sadan, Budh Marg, Patna- 800001
4. The General Manager, Telecom District, Gaya, Telephone Bhawan, G.B. Road Gaya- 823001
5. A.O. (Cash, B.S.N.L. O/o GMDT Gaya, Telephone Bhawan, G.B. Road, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Gopal Jha,
Mr. Rajesh Kr. Verma,
Mr. Shree Pal Jha, Advocates

For the Respondents : Mrs. Renuka Sharma
Mr. Rajni Kant Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. This matter has been taken up out of turn on the request of learned counsel for the petitioner for payment of its outstanding dues and the petitioner sought for the following reliefs.

“(i) To hold that the respondent B.S.N.L. having entered into a contract with the petitioner in the matter of supply of Desktops and Printers and having placed the supply order to the petitioner in the light of such contract and



the same has been supplied to the respondent B.S.N.L. in that case the respondent is liable to pay the entire amount to the petitioner.

(ii) To issue a writ in the nature of Mandamus for a direction to the respondents authorities to pay outstanding dues of Rs.14.57 lacks of the petitioner/his firm, against the supply of 25 Desktop bearing model No. Hp 406 G1 and 16 Printer all in one bearing model no. Hp M 128 fn., with penal interest as well as along with litigation cost and the expenditure amounting to Rs. 90,000.

(iii) To issue a writ in the nature of Mandamus for a direction to the respondents authorities specially to respondent no. 4 and 5 to make payment of Rs. 14.57 lacks with penal interest against the supply of 25 Desktop bearing model No. Hp 406 G1 and 16 Printer all in one, bearing model no. Hp M 128 fn which was supplied to him on his demand and order dated 10.02.2016.

(iv) Any other relief or reliefs for which the petitioner is legally and validly entitled in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that despite having supplied the requisite computers and printers pursuant to the purchase order dated 10.02.2016, the petitioner has yet to be paid the same and Rs.14.57 lakhs remains outstanding. It is further submitted that on the basis of the averments made in paragraph 14 of the counter affidavit that dues of the petitioner are admitted, PGM TD, Gaya has



been directed to release the payment immediately.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances of the petitioner and with consent of the parties, this writ petition is disposed of, granting liberty to the petitioner to approach the General Manager, Telecom District, Gaya, Telephone Bhawan, Gaya (Respondent No. 4) 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.

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

B.T/Chandran

(Vikash Jain, J)



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

