

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17996 of 2016

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M/s Shahabad Engineering Pvt. Ltd. through its Managing Director, Sri Ajay Kumar Singh, having registered Office at Road 17, Jawahar Nagar, Mango, Jamshedpur (Jharkhand), Presently residing at Pali Road, Dehri-on-Sone, District-Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Energy, Gpvt. of Bihar, Patna
2. Bihar State Hydroelectric Power Corporation Ltd., 2nd Floor, Sone Bhawan, Birchand Patel Marg, Patna through its Managing Director
3. The Managing Director, Bihar State Hydroelectric Power Corporation Ltd., 2nd Floor, Sone Bhawan, Birchand Patel Marg, Patna
4. The Chief Engineer, Bihar State Hydroelectric Power Corporation Ltd., 2nd Floor, Sone Bhawan, Birchand Patel Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Deo, Adv

For the Respondent/s : Mr. KINKAR KUMAR- SC9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-05-2018

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

2. The present writ petition has been taken up out of turn on the request of learned counsel for the petitioner for disposal of the same with a direction to the respondents to pay the admitted dues of the petitioner.

3. The present writ petition has been filed for payment of outstanding dues of Rs. 4,21,59,330/- said to be outstanding for payment.

4. Learned counsel for the petitioner submits that despite having completed the work of commissioning Hydroelectric Generating



Units in Bihar and Jharkhand in terms of different agreements as enumerated in para 6 of the writ petition, an amount of Rs. 4,21,59,330/- remains outstanding for payment.

5. Learned counsel for the respondent-Corporation invites reference to the counter affidavit, *inter alia*, stating that an advance amount of Rs. 77,93,629/- has already been given to the petitioner towards different projects. It is further stated that the petitioner has submitted claim only to the extent of Rs. 75,97,053/-. It is also submitted that two of the projects namely, Chandil and Natwar have not been handed over by the petitioner.

6. Be that as it may, and having regard to the nature of the grievances of the petitioner and with the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Bihar State Hydroelectric Power Corporation Ltd., 2nd Floor, Sone Bhawan, Birchand Patel Marg, Patna (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.

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

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2018
Transmission Date	NA

