

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.941 of 2017

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Allengers Medical Systems Ltd. through Pawan Kumar Dubey, Branch Manager, Patna Branch, S/o Dinesh Kumar Dubey, R/o C/o Sanjay Singh, Rathore niwas, new Buddha Dental College, M.G. Nagar, Kankarbagh, P.S. - Kankarbagh, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. Bihar Medical Service & Infrastructure Limited through its Managing Director, 5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna-800001 (BIHAR).
4. Managing Director, Bihar Medical Service & Infrastructure Limited, 5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna - 800001 (BIHAR).
5. General Manager Procurement, Bihar Medical Service & Infrastructure Limited, 5th Floor, Biscomaun, Gandhi Maidan, Patna - 800001 (BIHAR).
6. General Manager Administration, Bihar Medical Service & Infrastructure Limited, 5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna - 800001 (BIHAR).
7. General Manager Logistics, Bihar Medical Service & Infrastructure Limited, 5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna - 800001 (BIHAR).
8. Chief General Manager, Supply Chain, Bihar Medical Service & Infrastructure Limited, 5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna - 800001 (BIHAR).

.... Respondents

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Appearance :

For the Petitioner : Mr. Vishwajeet Kr. Mishra, Advocate
For the State : Mr. Shashi Shekhar Kr. Prasad, AC to Pr. AAG 2
For Respondent-BMSICL: Mr. Lalit Kishore, Sr. Advocate
Mr. Prabhat Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-01-2018

The present writ petition has been filed for a direction to the respondent-Bihar Medical Service & Infrastructure Limited (BMSICL) for making payment of Rs. 1,08,64,497/- along with interest in respect of supply and installation of 7 X-ray Machines at different Government Hospitals in Bihar.

2. Learned counsel for the petitioner submits that pursuant to the successful bid in the tender, the petitioner completed supply and



installation of 7 X-ray Machines in the year 2014 but till date no payment in respect thereof has yet been made.

3. Learned counsel for the respondents refers to the counter affidavit to submit that payment to the petitioner has been withheld in view of the ongoing investigation and enquiry pursuant to the directions of the Hon’ble Apex Court as well as certain audit objection.

4. Pursuant to the order dated 29.11.2017 passed by this Court, learned counsel for the respondent-Bihar Medical Service & Infrastructure Limited has sought instructions and makes statement at the Bar that the BMSICL would be willing to make payment of the admitted dues to the petitioner, subject to the petitioner’s furnishing unconditional bank guarantee for the appropriate amount.

5. In the above view of the matter and with consent of the parties, the writ petition stands disposed of granting liberty to the petitioner to furnish appropriate unconditional bank guarantee to the respondent-BMSICL. In such event, the respondent-BMSICL shall make payment of the admitted dues to the petitioner within a period of four weeks thereafter.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.01.2018
Transmission Date	N.A.

