

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10742 of 2010

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1. M/S M.D. Agribiotechnology Centre, through its Director Sri Rajeev Kumar Karja-Niwas, Bibigunj (East of Tinpuliya), P.O.- Muzaffarpur- 842001, Bihar
2. Rajeev Kumar son of Sri Ganesh Prasad Sinha, Director M/S M.D. Agribiotechnology Centre, Resident of Karja-Niwas, Bibigunj (East Of Tinpuliya), P.O.- Muzaffarpur- 842001, Bihar

.... Petitioners

Versus

1. The State of Bihar, through Chief Secretary, Old Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The Principal Secretary, Department of Agriculture, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
4. Bihar Horticulture Development Society, Directorate of Horticulture, Department Of Agriculture, Government of Bihar, Barrack No. 13, Old Secretariat Campus, Patna-15, through its Director
5. The Director, Bihar Horticulture Development Society, Directorate Of Horticulture, Department Of Agriculture, Government of Bihar, Barrack No. 13, Old Secretariat Campus, Patna-15
6. The Mission Director, State Horticulture Mission, 2nd Floor, Vikash Bhawan, Bailey Road, Patna, Bihar at present Directorate of Horticulture, State Horticulture Mission, Barrack No. 13, Old Secretariat Campus, Patna-15

.... Respondents

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Appearance :

- For the Petitioners : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. Vikash Kr. Sharma,
Mr. Sanjay Kumar Jha
Mr. Ved Prakash Srivastava, Advocates
- For the Respondents : Mr. Manoj Kr. Jha, AC to GA 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2018

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

“(a) To issue a writ of mandamus, commanding the respondents to discharge their legal obligation to pay the entire dues amount of the petitioners to the tune of rupees 3,00,000/- for the construction work of



Vermiculture Hatchery in three districts of State of Bihar on turnkey basis, covered under memorandum of undertaking (Agreement) dated 19.2.2009 signed in between the parties, which has not been paid to him till yet without any rhyme and reason and also to allow the petitioners to establish Vermiculture Hatchery in thirty seven districts of State of Bihar on turnkey basis on the basis of said memorandum of understanding.

(b) To issue a further a writ of mandamus, commanding the respondents not to advertise the construction work of Vermiculture Hatchery of thirty seven districts of State of Bihar on turnkey basis a fresh inviting tenders, without making final payment of petitioners for the construction works of said Vermiculture Hatchery in three districts of State of Bihar on turkey basis completed by them and without giving reasonable opportunity of hearing to the petitioners to complete the work even on revised estimate, if any, of the department.

(c) To issue a further a writ of mandamus, commanding the respondents to refund the entire security deposits of petitioner to the tune of rupees 2,77,500/- and also cost of materials purchased by them for construction purpose to the tune of rupees 4,00,000/- at once, in case of not taking work from them and to suitably compensate the petitioners for losses sustained by them due to irresponsible acts of the respondents and to pay the entire dues and compensation amount aforesaid of the petitioners along with interest at the rate of 18% per annum since the date the amounts have due, till the date of their payments.

(d) To any other relief or reliefs for which the petitioner



may be found entitled to.”

2. Mr. M.N. Parbat, learned senior counsel for the petitioners, submits that the present writ petition need not be pressed if a liberty is granted to the petitioners to approach the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna.

3. Having regard to the stand of the petitioners, the writ petition stands disposed of with liberty to the petitioners to approach the Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna within a period of six weeks. In such event, the matter may be considered and disposed of in accordance with law expeditiously.

4. It is made clear that in case such a petition is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioners, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2018
Transmission Date	N.A.

