

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12141 of 2016

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Vishal Surgical Equipment Company Private Limited, having its registered office situated at- "Siddharth", 1st Floor, 29, Dr. Rajendra Road, Kolkatta-700 020, India and its Regional Office situated at- Maa Durga Enclave, Group Floor, Boring Road, Patna- 800 001 through its Regional Head, namely Mr.Pravin Ranjan.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Health, Medical Education-cum-Family Welfare Department, Govt. of Bihar, New Secretariat, Patna.
3. Bihar Medical Services and Infrastructure Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna- 800 001, through its Managing Director.
4. Managing Director, Bihar Medical Services and Infrastructure Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna- 800 001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kali Kant Jha,
Mr. Manish Jha, Advocates
For the State : Mr. Subhash Prasad Singh GA3
Mr. Indeshwari Pd. Mandal, AC to GA 3
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: 29-03-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned senior counsel for the respondent-Corporation.

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 issue appropriate and equally efficacious order/orders or direction/directions upon Respondents to pay the petitioner forthwith, a sum of Rs.



1,98,40,590/- (Rupees One crore ninety eight lacs forty thousand five hundred and ninety) only being price of the Medical Equipments supplied to the Respondents together with interest thereon from the date of the respective bills up to the full realization thereof and with costs and damages.

(ii) To grant any other and further relief/reliefs as to which this Honourable Court may deem fit and proper in the interest of justice.

3. Learned counsel for the petitioner submits that pursuant to award of contract dated 17.12.2013 and supply order of the Bihar Medical Services and Infrastructure Corporation Limited (for short, "BMSICL") dated 17.01.2014, the petitioner supplied Upper G I Endoscopes and installed at ANMMCH, Gaya; SKMCH, Muzaffarpur, PMCH, Patna and JLNMMCH, Bhagalpur but an amount of Rs. 1,98,40,590/- remains outstanding to be paid against the bills of the petitioner.

4. Learned counsel for the respondents appear and have 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 Managing Director, Bihar Medical Services and Infrastructure Corporation Limited, 5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna (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.

(Vikash Jain, J)

B.T/lbrar

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.04.2018
Transmission Date	N.A.

