

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2019

=====

Simplex Projects Limited having office at 12/1, Nellie Sengupta Sarani, 4th Floor, Kolkata through Anand Kumar Dwivedi, aged about 39 years, Gender-Male, Senior Assistant (Commercial), Simplex Projects Limited, Son of Sri Siya Ram Divedi, Resident of 108/2, N.K. Banarjee Garden, Block- A, 4th Floor, D/1 Flats, Rishra, Police Station- Rishra, Hoogly, District- Hoogly (West Bengal)

... .. Petitioner

Versus

1. The East Central Railway through the General Manager, Hajipur
2. The General Manager, East Central Railway, Hajipur, Bihar
3. The Chief Engineer (Construction), Jharkhand, East Central Railway, Mahendaru Ghat, Patna
4. The Chief Admin Officer (Construction), South Mahendaru Ghat, Patna

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate Mr.Piyush Anand, Advocate Mr.Digvijay Singh, Advocate
For the Railway	:	Mr.Abbas Haidar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 06-11-2019 A supplementary counter affidavit on behalf of the respondents-Railways has been filed today. The submissions of the respondents are that the petitioner has not brought on record any material to show that the Bank has charged interest in question for extension of the Bank Guarantee or for issuing the Bank Guarantee or on account of termination of the contract or on account of delay in refund of the Bank Guarantee. According to the respondents, these aspects are required to be looked into, in order to respond to the claim of interest.



In the given facts and circumstances of the case, this writ application is being disposed off with liberty to the petitioner to submit all material documents in support of his claim with the respondents-Railways within a period of four weeks from today. In case such materials are submitted with the respondents-Railways within the aforesaid period, the same will be looked into, examined and considered by the competent authority of the Railways and a reasoned decision thereon shall be communicated to the petitioner within a period of 60 days from the date of receipt/production of a copy of this order.

Whatever admissible payment may be required to be given after such consideration, shall also be provided to the petitioner within next 30 days from the date of determination.

Learned counsel for the petitioner submits that in view of the stand taken by the Railways and the order passed by this Court hereinabove he would not press his request for award of interest before the Arbitrator.

(Rajeev Ranjan Prasad, J)

vats/ved

U			
---	--	--	--

