

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15224 of 2018

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M/s M R T Signal Limited Through Managing Director Namely Mahendra Kumar Anchalia son of Champa Lal Anchalia, 2, Raja Woodmunt Street, 3rd Floor, P.S. Bara Bazar, Kolkatta- 700001, West Bengal.

... .. Petitioner/s

Versus

1. The East Central Railway Through The General Manager East Central Railway, Hajipur.
2. The General Manager, East Central Railway Hajipur.
3. The Chief Signal and Telecom Engineer Work East Central Railway, Danapur.
4. The Dy. Chief Signal and Telecome Engineer Con ECR, Danapur.
5. The F.A and CAO S ECR, Hajipur.
6. The Dy. Chief Materials Manager, East Central Railway, Hajipur.
7. The Dy. Chief Signal and Telecome Engineer W ECR, Dhanbad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-12-2020

Petitioner has prayed for the following relief(s):

“For the issuance of a writ of mandamus directing the respondent to make payment of illegal deducted Entry Tax amount of Rs. 15,09,541-00 from the ptn account Bill on supply of materials against Tender no. 3006126288-A dated 31.03.2014 and purchase order P.O. No. 06/12/6288/1/15457 dated 31.03.2014 and the petitioner further prays for direction to Respondent authorities for any other relief/reliefs for



which the Hon'ble Court may fit and proper.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today, enclosing the decision rendered by this Court in C.W.J.C. No. 544 of 2008, titled as Electrical Private Ltd. Vs. The Union of India & Ors., as also in C.W.J.C. No. 9546 of 2012, titled as M/S Param Enterprises (P) Ltd. Vs. The East Central Railways & Ors..

State cannot have any objection to the same.

As such, as prayed for, we dispose of the present petition with the following directions:

(a) The petitioner shall file a representation before the respondent authority concerned, within a period of four weeks;

(b) If the petitioner files a representation within the time indicated above, the concerned respondent authority is directed to consider and decide the same, more so in the light of judgments in the case of Electrical Private Ltd. and M/S Param Enterprises (P) Ltd. (supra), within a period of two months thereafter, by a speaking order, assigning reasons.



(c) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(e) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

(f) We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

