

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5653 of 2020

M/S Aryabhat Computers and Utility Private Limited 304, Gorakhnath and Leela Apartment, East Boring Canal Road, Patna-800001, Bihar represented through Shri Nagendra Prasad Singh, Gender- Male, aged about 59 years Son of Late Ashlok Singh, presently residing at Flat No. 201, Saket Apartment, Montessori Lane, Boring Road, Patna- 800001, Bihar. Petitioner/s

Versus

1. The Patna Municipal Corporation Represented through the Municipal Commissioner, Maurya Lok Complex, Buddha Marg, Bihar, Patna-800001.
2. The Chief Municipal Engineer Patna Municipal Corporation, Maurya Lok Complex, Buddha Marg, Bihar, Patna-800001.

.. ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Adv.
For the Respondent/s : Mr.Yashraj Bardhan, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 24-09-2020

Heard learned counsel for the petitioner and learned counsel for Patna Municipal Corporation, through video conferencing.

The petitioner has filed the instant writ application for a direction to Patna Municipal Corporation (herein after referred to as ‘the Corporation’) to pay a sum of Rs. 23,64,000/- for the work done by the petitioner in operating the Call Centre as an outsourcing agency of the Corporation with effect from 14.6.2019 till December, 2019, to refund the earnest money of Rs.50,000/ deposited by the petitioner at the time of tender and for grant of other reliefs for which he is found entitled.

In view of the order proposed to be passed, the Court is not going into the details of the fact as narrated by the petitioner in the writ petition.



The facts in brief are that the petitioner who is engaged in providing professional call centre responded to a tender of the Patna Municipal Corporation and were declared L-2. As L-1 did not proceed with the tender, the Corporation issued a letter of award on 11.6.2019 and subsequently entered into a contract on 2.9.2019. The petitioner made the call centre functional within three days with effect from 14.6.2019. The bills were raised as per the agreed rate aggregating Rs.23,64,000/- upto December, 2019. As the same were not paid nor was the sum of Rs.50,000/- deposited as earnest money returned, it is the case of the petitioner that not getting any response its service stopped with effect from 14.1.2020 and the instant writ application has been filed for the prayers as stated above.

A counter affidavit and a supplementary affidavit has been filed on behalf of the Patna Municipal Corporation. The petitioner has filed a separate rejoinder to both the counter affidavits.

As per the case of the Patna Municipal Corporation in their counter affidavits, payment could not be made to the petitioner for various reasons including the petitioner not providing the details of the work done by him.



It is submitted by learned counsel for the petitioner that on perusal of the letter dated 7.3.2020 (Annexure-A to the supplementary counter affidavit of the Corporation) it would transpire that the petitioner has been asked to submit documents mentioned therein as pointed out by the Chartered Accountant of the Patna Municipal Corporation and in response thereto the petitioner has submitted all the required documents. The petitioner has also given point wise reply by his letter dated 3.9.2020 which has been brought on record as Annexure P/12 to the rejoinder affidavit of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner having submitted all the required documents asked for by the Corporation, the writ application may be disposed of with a direction to make payment of the dues of the petitioner within a fixed time. It is submitted by learned counsel for the Corporation that the documents submitted by the petitioner shall be examined by the Corporation and payment of the amount found payable shall be made within a reasonable time.

Having heard learned counsel for the parties, this writ application is disposed of with a direction to the Municipal Commissioner/Authority concerned of the Patna Municipal



Corporation to examine the case/documents submitted by the petitioner, take a decision on the amount due and payable to the petitioner within a period of three weeks and the entire amount found payable should be paid to the petitioner within a period of three months from the date of filing of the representation. In case, the amount found due is not paid to the petitioner within the aforesaid time, he shall be entitled to simple interest @ 10% per annum from the date the amount become payable till the date of payment. In case any amount claimed by the petitioner is not found payable, a reasoned order in writing for the same shall be communicated to the petitioner within the aforesaid time.

The writ application stand disposed of with the aforesaid observations and directions.

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12-10-2020
Transmission Date	12-10-2020

