

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.5698 of 2020**

M/s Doyen Diagnostic and Research Foundation a unit of BTC Pvt. Ltd., Kolkata having its Office at 59, Bhupen Bose Avenue, Kolkata- 700004 through Mr. Subir Roy, aged about 56 years, S/o Rabindra Mohan Roy, Resident of 25/6/3, Jogndra Basak Road, Police Station Baranagar, P.O. Baranagar, Kolkata, West Bengal, Pin- 700036 and also had its laboratories in the hospital campus of PMCH, DMCH, NMCH, SKMCH.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Secretary, Health-cum-Executive Director, State Health Society Bihar, Patna.
3. The Executive Director-cum-Special Secretary, Health, State Health Society Bihar, Patna.
4. The Superintendent, Darbhanga Medical College and Hospital, Patna.
5. The Superintendent, Nalanda Medical College and Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.
For the Respondent/s : Mr.S.D.Yadav, AAG-9

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 13-10-2020 Heard Mr. Ranjeet Kumar, learned counsel for the petitioner and Mr.S.D.Yadav, learned AAG-9 for the State.

Mr. S.D. Yadav, learned AAG-9 has informed this Court that the three members committee which was constituted to look into the bills of the petitioner has now examined the bills and as against the various claims of the petitioner a sum of Rs.14,44,796/- has been found payable to the petitioner by Nalanda Medical College and Hospital. Learned AAG-9 submits



that so far as Darbhanga Medical College and Hospital is concerned, the admitted amount of Rs.4,37,621/- has already been paid to the petitioner and this fact is stated in paragraph '5' of the counter affidavit filed on behalf of Darbhanga Medical College and Hospital (respondent no.4). Learned AAG-9 has informed that now the bills have been sent to the treasury for payment of Rs.14,44,796/- to the petitioner. According to him, the writ application has now become infructuous and it is required to be disposed of.

Mr. Ranjeet Kumar, learned counsel for the petitioner has, however, submitted that even though the admitted payment has been made by Darbhanga Medical College and Hospital and Nalanda Medical College and Hospital (respondent nos.4 and 5), the petitioner's claim remains and for this petitioner wish to submit his claim to the respondent authorities. Learned counsel also submits that the petitioner being covered under the MSME Act be granted liberty to claim interest on the amount paid to the petitioner so far.

In the opinion of this Court, as regards the remaining amount, which is being claimed by the petitioner, this being a money claim even though the petitioner, if so advised, may submit his claim with the respondent authorities, this Court



sitting in its extraordinary writ jurisdiction would not take upon itself a jurisdiction to issue directions to the respondents to enter into the issue of accounting and the Court is also conscious that any order of this Court should not be such that it may be construed as giving fresh cause of action to the petitioner. The dispute being a pure and simple money claim, the petitioner is at liberty but in accordance with law to seek its remedy either in common law or under the special law if the remedy is still available to him. If any such remedy is applied for, the order of this Court shall not be construed as conferring any fresh cause of action to the petitioner.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

