

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4170 of 2021

=====

M/s Kirloskar Brothers Ltd. A company having its Registered Office at YAMUNA Survey No. 98/3 to 7, Baner, Pune 411045, Maharashtra, duly represented through its Authorized Signatory, Mr. Girish Gopal Swant.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Public Health Engineering Department, Government of Bihar, Patna.
2. District Magistrate and Collector, Darbhanga Bihar.
3. Chief Engineer (Urban), Public Health Engineering Department, Government of Bihar, Patna.
4. Superintendent Engineer (Urban), Public Health Engineering Department, Darbhanga Division Darbhanga.
5. Executive Engineer, Public Health Engineering Department, Darbhanga Division Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate Mr. Abhinav Alok, Advocate Mr. Priyajeet Pandey, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (A.G.)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For making payment of the admitted dues of Rs. 3,08,62,903.00/- along with 18% interest calculated from the date of the amount failed due to the actual date of payment against Final Bill and

other previous dues of petitioner for completion of phase-II contract bearing contract no. S.B.D. No. 02 of 2010-11 at Darbhanga and Respondent even after admitting the billed amount of petitioner, not making any payment after completion of work with the reason best known to the Respondent Authorities and petitioner had completed the operation and maintenance period and till date no complaint has been raised with regard to the work of the petitioner.

(b) For issuance of any other relief/reliefs as the petitioner is entitled.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of two months from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	