

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5567 of 2021

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M/s Indra Bhushan Kumar Registered Govt. Contractor, S/o Sri Rajendra Prasad, resident of Mohalla- Khasganj, P.O.- Sohsarai, District- Nalanda (Bihar), Pin Code- 8033118, At present- C/o- Magadh Cold Storage, Kujapi, District- Gaya, Pin- 823002.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Chief Commissioner of Central Tax, Government of India, New Delhi.
2. The Principal Commissioner of Central Tax, Government of India, New Delhi.
3. The Commissioner Central Tax, Government of India, New Delhi.
4. The State of Bihar through the Principal Chief Commissioner, State Tax, Bihar, Patna.
5. The Chief Commissioner, State Tax, Bihar, Patna.
6. The Joint Commissioner, State Tax, Patna Central Circle, Patna.
7. The Deputy Commissioner, State Tax, Patna Central Circle, Patna.
8. The State of Bihar through Principle Secretary, Urban Development Govt. of Bihar, Patna.
9. The Commissioner, Municipal Corporation, Gaya.
10. The Mayour, Gaya Municipal Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Dr. K.N.Singh, ASG
		Mr. Anshuman Singh, Sr. SC CGST

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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):-



- (i) For issuance of writ in the nature of command directing the respondent 2nd set to revise the tender estimate of year 2019-2020 (e-tender no. 21 and 36 dated 29.11.2019 and 24.02.2020 published in Dainik Bhaskar as well as on e-portal) adding 10 % GST over tender estimate amount for the work already completed against Ekrarnama No.F2 83,84,85,86,87,88,129 and 130 and for the work which is still to be completed.
- (ii) For issuance of writ in the nature of command directing the respondent 2nd set to dispose of the representations of the petitioner forth with in accordance with law.
- (iii) For issuance of writ in the nature of command directing the respondents 1st set to not charge GST from petitioner on the payment till decision of respondent 2nd set on the representation filed by the petitioner before him or rate is revised by them.
- (iv) For issuance of writ in the nature of command directing the respondent 2nd set to pay 10% amount against GST over the tender amount with respect to tender work 25 (2017-2018) which has already been completed by petitioner for the tender published in the year 2017-2018.
- (v) For issuance of any other writ/writs, order/orders for which petitioner deemed entitled to.

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 file a representation before the authority concerned within a period of four weeks from today for redressal of the grievance(s);

(b) The said authority 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 assail the order before the appropriate forum, if the need so arises subsequently;

(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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

