

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6446 of 2020

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M.Z. Refrigeration and Electric Works through its Proprietor Mohammad Zulfakar Ali through its proprietor Mohammad Zulfakar Ali (Male) aged about 53 years, son of Late Mohammad Zaffar Imam Ansari, resident of Ali Manzil, Nitya Nand Ka Kuan, Lodi Katra, P.s.- Khajekalan, Patna City, Dist. Patna 800008

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Telecommunications, Union of India
2. The Chairman-cum-MD BSNL, 302, Bharat Sanchar Bhawan, 2 Harish Chandra Mathur Lane, Janpath, New Delhi 110001
3. The Director (Finance) BSNL, 302, Bharat Sanchar Bhawan, 2 Harish Chandra Mathur Lane, Janpath, New Delhi 110001
4. The Chief General Manager BSNL, Bihar Telecom Circle, 2nd Floor, Sanchar Sadan, Budha Marg, Patna 800001
5. The General Manager (Finance) BSNL, o/o General Manager, Telephones, Bihar Telecom Circle, 2nd Floor, Sanchar Sadan, Budha Marg, Patna 800001
6. The Chief Engineer (E) BSNL, Bihar Electrical Zone, 3rd Floor, CTO Building, Sanchar Parisar, Budha Marg, Patna 800001
7. The Superintending Engineer (E), BSNL, Bihar Electrical Circle, 3rd Floor, CTO Building, Sanchar Parisar, Budha Marg, Patna 800001
8. The Executive Engineer (E) BSNL, Electrical Division, 4th Floor, Telephone Bhawan, R-Block, Patna 800001
9. The Executive Engineer (E) BSNL, Electrical Division, GMTD Campus, 1st Floor, Old Canteen Building, Company Bagh, Muzaffarpur, Bihar 842001
10. The Executive Engineer (E) BSNL, Electrical Division, 1st Floor, Telephone Exchange, Radha Rani Sinha Road, Bhagalpur, Bihar, 812001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amitabh Sohan, Advocate
For the Respondent/s : Mr. Shyam Bihari Singh, CGC

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

Date : 15-11-2021



Petitioner has prayed for the following relief(s):

“1(i) For issuance of a writ in the nature of mandamus to direct the respondent to release the security deposit and to refund the earnest money that were deposited by the petitioner in course of allotting contract to him time to time and also for adequate interest @ 18% on account of delayed payment and for any other writ/command/direction in the facts and circumstances.”

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 three 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 three 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 arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. 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)

Sujit/Sanjay

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2021
Transmission Date	

