

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5685 of 2021

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Kamalpura Construction Co. Pvt. Ltd. Through its Managing Director Sri Ram Nath Sharma, aged about 70 years, (Male), Son of Ram Swarup Sharma, Resident of Kishor Nagar, P.S.- Sadar, Bhagwanpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Bihar Building Construction Department, Government of Bihar, Patna.
3. Bihar State Building Construction Corporation Limited through its Managing Director, Rajbansi Nagar, Patna, Bihar- 800023.
4. The Managing Director Bihar State Building Construction Corporation Limited, Rajbansi Nagar, Patna, Bihar- 800023.
5. The Chief General Manager Bihar State Building Construction, Bihar State Building Construction Corporation Limited, Rajbansi Nagar, Patna, Bihar- 800023.
6. The General Manager Bihar State Building Construction Corporation Limited, Rajbansi Nagar, Patna, Bihar- 800023.
7. The Deputy General Manager Bihar State Building Construction Corporation Limited, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, SC-26 Mr. Balram Kapri, AC to SC-26 Mr. Tej Bahadur Singh, Sr. Advocate Mr. Brisketu Sharan Pandey, Advocate

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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):-



1. The in this writ application petitioner prays for issuance of appropriate writ/order/direction to respondent authorities to make payment of Price Neutralization i.e. payment on account of increase/decrease in prices of construction materials after receipt of tender under Clause-10 CA of agreement being Agreement No. 6 SBD/2017/2018 for "PROPOSED BUILDING OF REGIONAL LEVEL COMBINED AGRICULTURE BUILDING AT SITAMARHI".

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 rises 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	

