

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8810 of 2021

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Bageshwari Prasad, Son of Late Kali Yadav, Resident of village-
Jagarnathpur, P.S.- Chandauti, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Finance (Department of Revenue), Government of India, New Delhi.
2. The Under Secretary, Ministry of Finance (Department of Revenue), Government of India, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Joint Commissioner, State Tax, Magadh Circle, Gaya.
6. The Assistant Commissioner, State Tax, Gaya, Magadh, Bihar.
7. The Principal Secretary, Rural Work Department, Bihar, Patna.
8. The Engineer in Chief Rural Work Department, Bihar, Patna.
9. Chief Engineer, Rural Work Department, Bihar, Patna.
10. The Executive Engineer, Rural Work Department, Work Division, Gaya, Bihar.
11. The Executive Engineer, Rural Work Department, Work Division, Tekari, Gaya.
12. The Executive Engineer, Local Area Engineering Organization, Work Division-01, Gaya.
13. The Executive Engineer, Local Area Engineering Organization, Work Division-02, Sherghati, Gaya.
14. State Bank of India through its Branch Manager, Main Branch Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Priya Ranjan, Advocate
For the Respondent/s	:	Mr. Dr. K.N.Singh (ASG) Mr. Vikash Kumar, S.C. 11 Mr. Kaushlendra Kumar Singh, Advocate Mr. Anshuman Singh, Advocate Mr. Apurv Harsh, Advocate

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

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 02-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That this is an application on behalf of the above named petitioner for issuance of an appropriate writ/writs, order/orders, direction/directions order(s) for quashing orders dated 13.02.2021, 20.02.2021 issued by Assistant Commissioner, Sales Tax, Gaya Circle, Gaya by which Branch Managers of different banks including State Bank of India, Gaya, Main Branch and Executive Engineer of L.A.E.O., Works Div-01), Gaya and Executive Engineer (Local Area Engineering Organization, Works Division-02) Sherghati, Executive Engineer (Rural Works Division) Gaya respectively by which they have been directed to hold a sum of Rs. 62,25,535.00/- on account of the petitioner and have been directed to pay the same to the Government on the basis of orders with respect to the assessment regarding payments of Goods And Services Tax including interest and penalty since November 2018 to March 2020 assessed for the different months on the basis of the payments made to the petitioner by the different departments regarding the Work Contract allotted to him, and further for directing the Respondent No. 14 to release the account bearing A/C No. 11159912663 in S.B.I., Main Branch, Gaya as the HOLD has been placed on the said account No for Rs. 62,25,535.00/- and further for directing the Respondent the State Government of Bihar to revise the estimates of the four works allotted to the petitioner by them by including 12% of G.S.T. in the estimate as the same has not

been included in the estimate till the date though the agreements were made after the coming of the GST at and further for quashing the part of the abovesaid assailements by which interest and penalty has been imposed on the petitioner and further for any other relief(s) for which the petitioner may found entitled to.”

Learned counsel for the petitioner submits that this case is squarely covered vide judgment and order dated 05.07.2019 passed in C.W.J.C. No. 1452 of 2019 titled as (M/s Jai Bhawani Construction Vs. The Union of India and Ors.) and analogous cases as well as letter No. 5405 dated 30.07.2019 issued by Engineer-in-Chief, pursuant to judgment and order as referred above.

Counsel for the State submits that he has no objection with the matter being remanded to the appropriate authority for consideration of petitioner’s case on its own merit in accordance with law.

Accordingly, we dispose of the present petition directing respondent no. 7 (The Principal Secretary, Rural Work Department, Bihar, Patna), to consider and decide the petitioner’s case in terms of judgment and order dated 05.07.2019 as referred above as well as letter No. 5405 dated 30.07.2019.

We clarify that all issues of facts and law are left

opened.

We hope and expect that the respondent no. 7 (The Principal Secretary, Rural Work Department, Bihar, Patna), shall consider and decide the petitioner’s case expeditiously and preferably within a period of four months from the date of receipt/production of a copy of order passed by this Court.

The writ petition stands disposed of in aforesaid terms.

Interlocutory application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA