

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10538 of 2020

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Kamalpura Construction Co. Pvt. Ltd. through its Managing Director Sri Nath Ram 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 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, Govt. of Bihar, Patna
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna
5. The Principal Secretary, Building Construction Department, Government of Bihar, Patna
6. The Engineer-in-Chief-cum-Special Secretary, Building Construction Department, Government of Bihar, Patna
7. The Executive Engineer, Vaishali Building Division, Hajipur

... .. 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. Vikash Kumar, SC 11

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

Date : 23-11-2021

Petitioner has prayed for the following relief(s):

- “i) For issuance of writ in the nature of mandamus or any other appropriate writ for direction to the respondent authorities to refund the amount of GST deposited by petitioner under the GST from the various running account bills of the petitioner/contractor in execution of the work pursuant to Agreement No. 1 of SBD of 2017-18 dated 07.07.2017 for



- “construction of Boundary Wall in Budha Smrit Stupa, Vaishali”.
- ii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

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 (Annexure-3).

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, in the light of the decision referred supra.

Accordingly, we dispose of the present petition directing the Respondent no.5 (The Principal Secretary, Building Construction Department, Government of Bihar), to consider and decide the petitioner's case in terms of judgment and order dated 05.07.2019 as referred above.

We clarify that all issues of facts and law are left open.

We hope and expect that the Respondent no.5 (The Principal Secretary, Building Construction Department,



Government of Bihar), 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)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

