

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1306 of 2021

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M/s Lalloo Ji and Sons A-2, Shivalik Business Centre, Off. S.G. Highway,
Ahmedabad (Gujarat) Head Office -1, Ram Bagh, Prayagraj (U.P.) Through
its partner Sri J.K. Agrawal, S/o Sri Bal Govind Agrawal.

... .. Petitioner/s

Versus

1. State of Bihar through its Principal Secretary, Tourism Department, Patna, Bihar.
2. Bihar State Tourism Development Corporation, through its Managing Director, Beerchand Patel Path, Patna-800001.
3. Managing Director, Bihar State Tourism Development Corporation, Beerchand Patel Path, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Agrawal, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ i. For issuance of appropriate writ (s) and/or order and or directions(s) directing the respondents to make payment of admitted amount of Rs. 5, 22, 02, 842, (Rs. Five Crores Twenty Two Lacs Two Thousand Eight Hundred forty Two only/-) for the Work performed of 'design, construction and maintenance of Main Pandal for Religious Ceremonies and Tent City on the occasion of the 350th birth anniversary of Sri. Guru Govind Singh Ji' (PRAKASH PARV)' forthwith to the petitioner along with the interest @ 18% per annum from the date of the submissions of

the Bills till the actual payment is made; as the amount is admitted to be payable by respondents vide letters dated 20.08.2020 and 17.12.2018;

ii. For any other relief or reliefs for which petitioner is found entitled to in the facts and circumstances of the present case.

After the matter was heard for some time, learned counsel for the petitioner states that at this point in time, petitioner shall be content if the respondent no. 3, namely, Managing Director, Bihar State Tourism Development Corporation, Beerchand Patel Path, Patna-800001, as also respondent no. 1, namely, State of Bihar, through its Principal Secretary, Tourism Department, Patna, Bihar and respondent no. 2, namely, Bihar State Tourism Development Corporation, through its Managing Director, Beerchand Patel Path, Patna-800001 were to decide the petitioner's request dated 27th of August, 2020 (Annexure-10) within a time bound period, in the light of the report dated 21st of February 2017 Annexure-1 and the communication dated 17th of December 2018 (Annexure-1A), whereby the committee has reduced the amount from Rs. 13,9416,41/- to Rs. 5, 22,02842/-, an unadmitted, in fact admitted debt, which the respondents are bound to pay.

Sri Agrawal, learned counsel for the petitioner further states that in the event, respondents favourably considering the

petitioner's request, all claims, including that of interest would be given up.

Under these circumstances, the petition is disposed of in the following mutually agreeable terms:-

(a) Respondent no. 2, namely, Bihar State Tourism Development Corporation, through its Managing Director, Beerchand Patel Path, Patna-800001 shall positively consider and decide the petitioner's request dated 27th August, 2020 (Annexure-10) Page 99 within a period of four weeks from today. Copy of the order be supplied to the petitioner.

(b) Another request shall be made by the petitioner to respondent no. 1 namely, State of Bihar, through its Principal Secretary, Tourism Department, Patna, Bihar within a period of one week and the said respondent shall also, after seeking information from respondent no. 2, take a decision thereupon within a period of four weeks thereafter.

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

(d) In the event of acceptance of the report of the committee (Annexure-1) we hope and expect payments released in favour of the petitioner, within a period of three months which would be without any interest.

(e) Should the respondents decide to make payment beyond a period of three months, then petitioner shall be entitled to interest @ 6% for the subsequent period till the date of payment.

(f) Liberty reserved to the petitioner to approach this Court, should the need so arise subsequently. For the petitioner to agitate any issue, it is always open to do so on the same and subsequent cause of action, in accordance with law.

(g) The offer given by the petitioner shall stand withdrawn, if no decision is taken in terms of the directions (supra).

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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