

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15947 of 2021

Lotus Infraconstruction Private Limited having its registered office at Kedar House, Sri Nagar Colony, Hume Pipe Factory Campus, Behind Bazar Samiti, Mahendru, P.S. Sultanganj, Town and District Patna through its Director and authorized signatory Sanjeev Kumar, Son of Sri Kedar Nath Srivastava.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Commercial Tax Department, Government of Bihar.
2. The Principal Secretary, Home Department, Government of Bihar.
3. That Bihar Police Building Construction Corporation, Kautilya Nagar, Patna- 14 through its Chairman cum Managing Director.
4. Chairman cum Managing Director, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna- 14.
5. Chief Accounts Officer, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna-14.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Advocate Mr. Nagadeo Choubey, Advocate Mr. Pankaj Majwar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-7 Mr. Kamal Kant Upadhyay, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

(Per: HONOURABLE THE CHIEF JUSTICE)
(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 22-09-2021

Petitioner has prayed for the following relief(s):



“1(i) For issuance of writ/command/directions in the nature of mandamus directing the respondent authorities to pay the difference amount of GST to the tune of Rs. 2,69,48,059/- along with applicable interest to the tune of Rs. 83,16,596/- and penalty to the tune of Rs. 24,30,191/- for the financial year 2017-18 and 2018-19 and also to direct the respondent authorities to revised the respective agreement by adding the GST impact in the agreement value and for any other appropriate writ or direction in the facts and circumstances of the case.

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 annexing copy of the judgment delivered by this Court in CWJC No. 1452 of 2019, titled as **M/s Jai Bhawani Construction Vs. The Union of India & Ors.** (Annexure-5 to the petition) 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 or the issues stand adjudicated in the judgment referred to supra . All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	01.10.2021
Transmission Date	

