IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1234 of 2021

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M/S Magadh Tube Well Engineering Works through its proprietor Sri Rajendra Prasad (Male aged about 73 years), S/o Deo Sharan Prasad, resident of Mohalla-Khasganj, P.O. Sohsarai (Nalanda) Bihar, Pin code-803116, Head Office C/o Magadh Cold Storage, Kujapi (Gaya), Pin 823002.

... ... Petitioner/s

Versus

1. The Union of India through the Principal Chief Commissioner of Central Tax, Government of India, New Delhi.
2. The Principal Commissioner of Central Tax, Government of India, New Delhi.
3. The Commissioner Central Tax, Government of India, New Delhi.
4. The State of Bihar through the Principal Chief Commissioner, State Tax, Bihar, Patna.
5. The Chief Commissioner, State Tax, Bihar, Patna.
6. The Joint Commissioner, State Tax, Patna Central Circle, Patna.
7. The Deputy Commissioner, State Tax, Patna Central Circle, Patna.
8. The State of Bihar through Principle Secretary, Urban Development Govt. of Bihar, Patna.
9. The Commissioner, Municipal Corporation, Gaya.
10. The Mayour, Gaya Municipal Corporation, Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr.Dr.K.N.Singh (ASG)
		Mr. Anshuman Singh, Sr. CGC
		Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-11-2021 Petitioner has prayed for the following relief(s):

"(i) For issuance of writ in the nature of command directing the respondent 2nd set to revise the tender estimate of year 2019-2020 (e-tender no. 20 and 21 dated 04.12.2019 published in Dainik Bhaskar) adding 10% GST over tender estimate amount for the work already competed and for the work which is still to be completed.

(ii) For issuance of writ in the nature of command directing the respondent 2nd set to dispose of the representations of the petitioner forthwith in accordance with law.

(iii) For issuance of writ in the nature of command directing the respondent 1st set to not charge GST from petitioner on the purchased goods till decision of respondent 2nd set on the representation filed by the petitioner before him or rate is revised by them.

(iv) For issuance of writ in the nature of command directing the respondent 2nd set to release 10% amount against GST over the tender amount with respect to tender work 65,66,67,68,69,70,96,98,99,100,133 and

136 (2017-2018) which has already been completed by petitioner for the tender published in the year 2017-2018.

(v) For issuance of any other writ/writs, order/orders, for which petitioner deemed entitled to."

It is brought to our notice that petitioner's representation dated 22nd of January, 2021 is yet pending with the authorities.

Learned counsel for the petitioner contends that petitioner shall be content if a direction is issued to Respondent No. 9, namely The Commissioner, Municipal Corporation, Gaya, to consider and decide the said representation expeditiously, in accordance with law.

None can have any objection to the same.

As such, without expressing any opinion on merits, leaving all questions of fact and law open, we dispose of the present petition with the direction to Respondent No. 9, namely The Commissioner, Municipal Corporation, Gaya, to consider and decide the petitioner's representation.

Liberty reserved to place additional materials in support of the application/representation as also to take recourse to such other remedies as are otherwise permissible and admissible, if so required and desired, subsequently.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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