

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19560 of 2021

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Mundeshwari Enterprises through its Proprietor Sunil Kumar Singh, aged about 39 years (Male), S/o Birja Prasad Singh, Resident of Village- Darwas, P.S.- Mohania, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Water Resources Department, Bihar, Patna.
2. The Executive Engineer Sone Kamand Kshetra Vikash Agency, Bhabhua Kaimur, Bihar.
3. The Assistant Commissioner of State Tax Bhabhua Circle, Bhabhua, Bihar.
4. The Branch Manager, Bank of India Kubarji Complex, Near Stadium Gate, Bhabhua, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
Mr. Uma Kant Tiwari, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP-7

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

Date : 29-11-2021

Petitioner has prayed for following relief(s):-

“(i) An appropriate writ/order/direction declaring the order contained in Annexure-3 and 5 passed by Respondent No. 3 is illegal, void and without jurisdiction be issued?

(ii) An appropriate writ/order/direction commanding the respondents the Assistant Commissioner of State Tax, Bhabhua Circle, Bhabhua, Bihar has pressurize for payment of GST State Bank of India , Kubarji Complex, Near



Stadium Gate, Bhabhua, has issue DRC-13 as per Annexure-5?

(iii) An appropriate writ/order/direction commanding the respondents The Executive Engineer, Sone Kamand Kshetra Vikash Agency, Bhabhua Kaimur has not paid full rate of GST only deduct 2% TDS of GST in Works value as per agreement of works Contract?

(iv) Any other relief or reliefs to which the petitioners are entitled to be granted? ”

Learned counsel for the State 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-4 in CWJC No. 5949 of 2021) as well as letter No. 5405 dated 30.07.2019 (Annexure-5 in CWJC No. 5949 of 2021) issued by Engineer-in-Chief, pursuant to judgment and order as referred above.

Counsel for the State also 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 the Respondent no. 2 namely The Executive Engineer, Sone Kamand Kshetra Vikash Agency, Bhabhua Kaimur, Bihar



to consider and decide the petitioner's case in terms of judgment and order dated 05.07.2019, as referred to above, as well as letter No. 5405 dated 30.07.2019.

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

We hope and expect that the Respondent no. 2 namely The Executive Engineer, Sone Kamand Kshetra Vikash Agency, Bhabhua Kaimur, 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 the order passed by this Court.

The writ petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Rajiv

AFR/NAFR	
CAV DATE	
Uploading Date	01.12.2021
Transmission Date	

