

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5418 of 2020

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Rakesh Ranjan, Son of Surendra Prasad, M/s Baba Barphani Construction,
through its authorized Signatory, at present residing at Sri Rampath, Kachi
Talab, Sharistabad, Gardanibagh, P.S.- Gardani Bagh, District- Patna, Bihar.

... .. 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 Joint Commissioner State Tax (J.C.S.T.) Danapur, P.S.- Danapur, District- Patna.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
5. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
6. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
7. The Managing Director, Bihar State Building Construction Corporation Limited, Bihar, Patna.
8. The Chief General Manager, Bihar State Building Construction Corporation Limited, Bihar, Patna.
9. The General Manager, Bihar State Building Construction Corporation Limited, Bihar, Patna.
10. The Deputy General Manager, Bihar State Building Construction Corporation Limited, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Jha, Advocate
For the State	:	Mr. Vikash Kumar, SC 11
		Mr. Ashok Kumar Dubey, AC to AAG 11
For the UOI	:	Mr. Anshuman Singh, Sr. SC, CGST, CX
For the Res. Nos. 7-10	:	Mr. Tej Bahadur Singh, Sr. Advocate
		Mr. Brisketu Sharan Pandey, Advocate
		Mr. Abhishek Kumar, Advocate

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

Date : 18-10-2022



Petitioner has prayed for the following relief(s):-

“That the present writ application is for quashing of the Letters/demand Notices dated 13.01.2020 issued vide No. 1336, 1337, 1338 and 1339 issued by Respondent No. 3 as contained in Annexure-7 Series, by which the petitioner has been directed to pay Total CGST/SGST Tax amount of Rs.1,28,796/- plus interest amount of Rs. 9739/- for the period August 2019, Rs. 2,27,848/- plus interest amount of Rs. 35507/- for the period April 2019, Rs. 33,40,830/- plus interest amount of Rs. 6,50,226/- for the period February 2019 and Rs.21,21,457/- plus interest amount of Rs.5,41,233/- for the period November 2018, which are not only illegal but arbitrary exercise by power vested to them as well as without any jurisdiction and beyond the terms and conditions mentioned in the respective Tenders/Bids/Agreement, but the same is also violative of the order/judgment dated 05.07.2019 (Annexure-5) passed in C.W.C.J. No. 1452 of 2019, and analogous case and the letter No. 5405 dated 30.07.2019 as contained in Annexure-6 and further be pleased to direct the concerned respondents not to freeze and seize, the connecting Bank Accounts in this regard. And or pass such other order/orders as your Lordships may deem fit & Proper.”

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-4) as well as letter No. 5405 dated 30.07.2019 (Annexure-5) issued by Engineer-in-Chief, pursuant to judgment and order as referred above.

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.

Accordingly, we dispose of the present petition directing Respondent no.7, namely, the Managing Director, Bihar State Building Construction Corporation Limited, Bihar, Patna, to consider and decide the petitioner's case in terms of judgment and order dated 05.07.2019 as referred 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 Respondent no.7, namely, the Managing Director, Bihar State Building Construction Corporation Limited, Bihar, Patna, 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)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.11.2022
Transmission Date	

