

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12779 of 2021

M/s Brijnandan Singh through its Partner Brijnandan Singh, aged about 61 years, Male, Son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Commissioner of State Tax (GST), Bihar, Patna.
5. The Commissioner, GST, Commissionerate, Patna-I Division Patna West Range- Ara.
6. The ACCT, Patna West Circle- Sahabad, District- Bhojpur, Bihar.
7. The Engineer in Chief (Head Quarters), Flood Control and Drainage, Water Resources Department, Government of Bihar, Patna.
8. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Katihar, District Katihar, Bihar.
9. The Executive Engineer, Flood Control Division, Naugachia, District Bhagalpur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-01-2022

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

“(i) Commanding upon the Respondents to refund / release the amount of Rs.2,43,36,058 /-(Rs. Two Crores Forty Three Lacs Thirty Six Thousand and Fifty Eight only) along with the interest at the statutory rate which has been deposited by the petitioner (Rs. 1,21,68029/-



under the heads of CGST at the rate of 6% and Rs. 1,21,68,029/- at the rate of 6% under the heads of SGST) on the gross Bill value in connection with Agreement No. 138/15 (Part-A) dated 07.03.2017 within the jurisdiction of the Executive Engineer, Flood Control Division, Naugachia, District Bhagalpur; and

(ii) Commanding upon the Respondents to refund/ release an amount of Rs. 24,26,778 / - (Rs. Twenty Four Lacs Twenty Six Thousand Seven Hundred Seventy Eight) along with interest at the statutory rate which has been deposited by the petitioner (Rs. 12,13,389/-) under the heads of CGST at the rate of 6% and Rs. 12,13,389/- under the heads of SGST at the rate of 6% on the gross Bid value in connection with Flood Fighting Work arising out of Agreement No. 138/15 (Part A) dated 07.03.2017.”

Learned counsel for the petitioner prays that the instant petition be disposed of exactly in the same terms as contained in judgment dated 05.07.2019 passed in **CWJC No. 1452 of 2019**, titled as **M/s Jai Bhawani Construction Vs. the Union of India & Ors.** along with other analogous cases (Annexure-8, Page 88).

No objection to such prayer being allowed.

As mutually agreed, the instant petition stands disposed of in terms of judgment dated 05.07.2019 passed in **CWJC No. 1452 of 2019**, titled as **M/s Jai Bhawani Construction Vs. the Union of India & Ors.** along with other analogous cases and the directions contained therein shall also



govern the instant case *mutatis mutandi*.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	18.01.2022
Transmission Date	

