

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8542 of 2020

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Tata Motors Limited having its registered Office at Bombay House, 24, Homi Mody Street, Mumbai-40000 through its Authorized Representative, Mr. Tushar Kumar (Male aged 38 Years, S/o Mr. Rajeev Lochan Presently Posted as Senior Manager at the Patna Branch Office Situated at Tata Motors Limited, 4th Floor, SAI Corporate Park, Rukunpura, Bailey Road, Patna-800014

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna-800015
3. Patna Municipal Corporation through the Municipal Commissioner, Maurya Lok Complex, Buddha Marg, Patna-800001, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dayanand Singh, Advocate
	:	Ms. Somali Acharya, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
For P.M.C.	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 07-03-2022

1. The petitioner has filed this petition for issuance of writ in the nature of mandamus to direct the respondents to pay the admitted outstanding amount due towards supply of 75 units of TATA Ace ZIP Cab & Loadbody BS-IV vehicles, which were purchased from the petitioner. It appears that Bid No. GEM/2019/B/180481 dated 22.02.2019 for supply of 75 units of TATA Ace ZIP Cab & Loadbody BS-IV vehicles was



issued by the Patna Municipal Corporation(hereinafter referred to as “the Corporation”). The petitioner was successful in the bid and became L1 bidder. Consequently, the order was placed upon the petitioner Company for supply, delivery, testing, training and successful commissioning of 75 units of TATA vehicles.

Thereafter, a contract was also drawn up in between the parties and circulated on the website of respondent no. 2. In terms of the Agreement dated 04th July, 2019, payment had to be made to the petitioner within 15 to 30 days of the final submission of the Bills but despite lapse of considerable period, the outstanding amount of Rs. 2,15,92,035/- was not paid by the Corporation.

2. Today, the Corporation has appeared and filed counter affidavit, paragraphs no. 4 and 5 whereof, are reproduced hereinbelow :-

“4. That from perusal of the record it transpired that Tata Motors Ltd. had supplied 75 units of TATA ACE ZIP Cab and load body BS-IV to the Patna Municipal Corporation in the year 2019 and after delivering the vehicle in question to the Patna Municipal Corporation he had submitted his final



bill for payment of Rs. 2,15,92,035/-.

5. That it has been decided to pay the aforesaid amount to the petitioner in three instalment within stipulated time frame of 2 months through municipal fund. The aforesaid fund is being utilized for payment of outsourced manpower and day to day use of municipal machines and vehicles related with sanitation of whole Patna City.”

3. In view of the stand taken by the Corporation, we feel that no further adjudication of the matter is necessary. The response is by way of affidavit of Vijay Kumar, Executive Engineer (Headquarter), Patna Municipal Corporation. The learned counsel for the Corporation has assured the Court that the Corporation will abide by the terms of the affidavit and payment shall be made, as undertaken in paragraphs no. 4 and 5, mentioned hereinabove. The petitioner is satisfied with the assurance of the Corporation.

4. We, thus, dispose of the writ petition with a direction that the respondent- Corporation shall make payment in terms of the undertaking given by it, in its affidavit. In the eventuality of further delay in making payment, the entire amount shall carry interest @ 8% per annum from the day the



same became due till the actual date of payment. The State/ Corporation shall be at liberty to deduct the said amount from the salary of the officials responsible for delay in making payments.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2022
Transmission Date	NA

