

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17036 of 2019

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Sandhya Samrat Construction and Services Pvt. Limited through its Managing Director, Madhukar Kumar, Son of Sri Ram Naresh Singh, Resident of Dinkar Nagar, Barbigaha, P.S. Barbigaha, District- Sheikhpura, Presently residing at D-204, Om Raj Apartment, Jamal Road, P.S. Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through Ministry of Rail, Rail Bhawan, New Delhi
2. The Secretary, Ministry of Rail, Rail Bhawan, New Delhi
3. The General Manager, Northern Railway, Baroda House, New Delhi.
4. The Divisional Railway Manager, Northern Railway, Varanasi Cantt. Varanasi.
5. The Chief Commercial Manager, Northern Railway, Varanasi Cantt. Varanasi.
6. The State of Bihar through Principal Secretary, Finance Department, Bihar, Patna.
7. The Principal Secretary, Finance Department, Bihar, Patna.
8. The State of Tax Joint Commissioner, Patna West Circle, Patna.
9. The Deputy Commissioner of State Tax, Patna West Circle, Patna.
10. The Branch Manager, State Bank of India, Opposite M.P. Centre, Dak Bungalow Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Vikash Kumar, SC 11
		Dr. Anand 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 : 19-07-2022

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

“i. For issuance of an appropriate writ/s, order/s, Direction/s for payment/refund of Rs. 15,89,075/- which has been illegally deducted from the account of the



petitioner after attachment of the said Bank Account of the petitioner Company bearing Registration No. 10144737047, PAN No. AAKCS 2257E, which has been deducted for the period 2015-2016 under section 47 of the Bihar VAT Act, 2005.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondent Railway to disclose the name of the person who has booked the consignment at the destination and deposited bank draft because by using VAT No of the petitioner unknown person has misused the same, placed the order before the Railway for stone chips, and thereafter paid the fare through bank draft as a result of which the petitioner has to pay Rs. 15,89,075/- for the period 2015-2016.

iii. For issuance of an appropriate writ/s, order/s, direction/s to the respondents bank to disclose the name of the person who prepared the bank draft in the name of railway after paying the bank commission and from the account number because the petitioner did not deposit any amount for preparation of bank draft in the name of railways for the relevant consignment.

iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

Inviting attention of the averments made in para- 9 of the counter affidavit dated 04.03.2021 filed by Shri Dev Anand Dubey, Divisional Commercial Manager, N.E.R., Varanasi (U.P.), Shri Sanjay Kumar, learned counsel for the petitioner, submits that petitioner shall be content if a direction is issued to the Respondent No. 3, namely, General Manager, Northern Railway, Baroda House, New Delhi, to ensure that an enquiry, as suggested by the respondent-railways, is conducted and completed within the time bound period.

None can have any objection.



Averments made in para-9 are reproduced as
under:-

“9. That the averments made in para-7 to 11 and 16 of the writ petition are matters of record and requires enquiry by the competent authority. However, for proper adjudication of the matter photocopy of the relevant documents available at the destination station is being annexed herewith. It is further stated that the answering respondents are unable to provide the details in lack of the R.R.No. And its date mentioned at serial no. 1 of Annexure-P/2.”

As such, present petition is disposed of with a direction to the Respondent No. 3 to ensure that the matter is enquired into by a competent person within the time bound period and preferably within a period of four months from the date of placing the order on the file.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	21.07.2022
Transmission Date	

