

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15998 of 2021

Kingspan Jindal Pvt. Ltd. (Formally known as Jindal Mectec Pvt. Ltd.) having its Corporate office at Old Manesar Road, Narsinghpur, Gurgaon- 122004, State- Haryana, through its authorized Signatory Satyendra Kumar Pandey, aged about 38 Years (Male), son of Ram Krit Pandey, Resident of LD- 97, A.D.A. Colony, P.O. and P.S.- Naini, District- Allahabad (Now Prayagraj), State Uttar Pradesh- 211008.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
2. The Principal Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-in- Chief-cum- Additional Commissioner-cum- Special Secretary, Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
4. The Chief Engineer (North Wing), Building Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna- 15.
5. The Superintending Engineer, Building Construction Department, Building Circle, Maripur, Muzaffarpur, Bihar- 842001.
6. The Executive Engineer, Building Construction Department, Building Division, Besides Town Hall, Siwan- 841226.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Sahay, Advocate
For the Respondent/s : Mr.Amit Prakasham GA-13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 21-01-2022

Heard learned counsel for the parties.



Petitioner has prayed for the following relief(s):

“(i) For commanding and directing to the concerned respondent to pay a sum of Rs. 56,700- (Rupees Fifty Six Thousand Seven Hundred Only) in favour of the petitioner on account of executed work namely to "Construction of Pre-Fabricated Ipre-Engineered district Registration-cum-counseling centre including civil electrical, water supply, sanitary and furnishing etc on Turnkey basis at Siwan, One Unit, 19 Counters for the year 2016-17", but payment of the same could not be made available to the petitioner.

(ii) For further directing to the concerned respondent to pay a sum of Rs. 43,56,0241- (Rupees Forty Three Lakhs Fifty Six Thousand Twenty Four) only on account of extra work taken by the respondents relates to aforesaid work but payment of the same could not be made available to the petitioner.

(iii) For further directing to the concerned respondent to pay a sum of Rs. 36,21,000/- (Rupees Thirty Six Lakhs Twenty One Thousand) only in favour of the petitioner, which has been paid by the petitioner "under head of "Service Tax" in pursuant of aforesaid work.

(iv) For further directing to the concerned respondent to pay a sum of Rs. 5,22,723/- (Rupees Five Lakhs Twenty Two Thousand Seven Hundred Twenty Three) only relates to payable amount of GST (Goods & Service Tax) over work done amount.

(v) For further directing to the concerned respondent to an interest @ 18% p.a. over entire payable amount from the date of its due and till the date of its realization.

(vi) For grant of any other relief or reliefs for which the petitioner is entitled under the law in the facts and Circumstances of this case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be



content if a direction is issued to the authority concerned **i.e. respondent no. 4 The Chief Engineer (North Wing)**, Building Construction Department to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;



(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2022
Transmission Date	

