

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16732 of 2021

Bindeshwar Yadav Construction Pvt. Ltd. having its registered office at Hariraha Rustampur, P.S. - Laukahi, District- Madhubani through its managing director namely Rohit Kumar Yadav, male aged about 48 years, son of Shri Bindeshwar Prasad Yadav, resident of Hariraha Rustampur, P.S. - Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Rural Works, Government of Bihar, Patna.
2. The Secretary, Department of Rural Works, Government of Bihar, Patna.
3. The Engineer in Chief, Department of Rural Works, Government of Bihar, Patna.
4. The Chief Engineer - 3, Department of Rural Works, Government of Bihar, Patna.
5. The Superintending Engineer, Department of Rural Works, Work Circle, Darbhanga.
6. The Executive Engineer, Department of Rural Works, works Division, Jhanjharpur, Madhubani.
7. The Senior Divisional Accounts Officer, Department of Rural Works, Works Division, Jhanjharpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16778 of 2021

Bindeshwar Yadav Construction Pvt. Ltd. having its registered office at Hariraha Rustampur, P.S. Laukahi, District Madhubani, through its managing director namely Rohit Kumar Yadav, male, aged about 48 years, son of Shri Bindeshwar Prasad Yadav, resident of Hariraha Rustampur, P.S. Laukahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Rural Works, Government of Bihar, Patna.
2. The Secretary, Department of Rural Works, Government of Bihar, Patna.
3. The Engineer in Chief, Department of Rural Works, Government of Bihar, Patna.
4. The Chief Engineer-3, Department of Rural Works, Government of Bihar, Patna.



5. The Superintending Engineer, Department of Rural Works, Works Circle, Darbhanga.
6. The Executive Engineer, Department of Rural Works, Works Division, Phulparas, Madhubani.
7. The Divisional Accountant, Department of Rural Works, Works Division, Phulparas, Madhubani.

... ... Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 16732 of 2021)

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate

For the Respondent/s : Mr. Kumar Alok, SC 7

(In Civil Writ Jurisdiction Case No. 16778 of 2021)

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate

For the Respondent/s : Mr. Archana Meenkshee, GP 6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 15-11-2022 In CWJC No. 16732 of 2021, petitioner has prayed
for the following relief(s):-

“a) For issuance of a writ in the nature of mandamus directing the respondents to reimburse the amount of levy admitted by the respondent number 4, 5 and 6 vide certificate dated 04.12.2020, letter number 1614 anu, dated 09.12.2020 and letter number 2840 anu. dated 28.12.2020 signed and issued respectively by the said respondents;

b) For further issuance of a writ or order or direction upon the respondents to also pay interest on the entire amount of levy refundable to the petitioner on account of withholding of such amount despite specific admission and confirmation from all concerned authorities regarding the petitioner having paid such amount and the petitioner's entitlement to



reimbursement of the same in light of clause 35 of the terms and conditions of the standard bidding document (part of the agreement);

c) For further holding and a declaration that the withholding of the amount of levy refundable to the petitioner without any rhyme and reason is violative of the fundamental rights guaranteed to the petitioner under article 14 and 19 (1) (g) of the Constitution of India;

d) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

In CWJC No. 16778 of 2021, petitioner has prayed for the following relief(s):-

“a) For issuance of a writ in the nature of mandamus directing the respondents to reimburse the amount of levy admitted by the respondent number 6 and 7 vide certificate dated 04.05.2021, letter number 693 Phulparas dated 23.05.2021 signed and issued respectively by the said respondents;

b) For further issuance of a writ or order or direction upon the respondents to also pay interest on the entire amount of levy refundable to the petitioner on account of withholding of such amount despite specific admission and confirmation from all concerned authorities regarding the petitioner having paid such amount and the petitioner's entitlement to reimbursement of the same in light of clause 35 of the terms and conditions of the standard bidding document (part of the agreement);

c) For further holding and a declaration that the



withholding of the amount of levy refundable to the petitioner without any rhyme and reason is violative of the fundamental rights guaranteed to the petitioner under article 14 and 19 (1) (g) of the Constitution of India:

d) For grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.”

In view of the affidavit filed by the respondents, Mr. Gautam Kumar Kejriwal, learned counsel appearing on behalf of the petitioner, states that petitioner be permitted to approach the respondent concerned for venting out of certain surviving grievance.

Permission, as prayed for, is granted.

Petitioner to pursue the matter with the respondent authority, in accordance with law.

Petitions stand disposed of reserving liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Bibhash/Sujit

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