

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13722 of 2019

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M/s Shubham Enterprises Having its registered office at Punjabi colony, Gali No.-2, P.S. and District- Samastipur, Bihar- 848101, through its proprietor namely Sri Devakant Chaudhary, aged about 43 years (Male), son of Sri Dineshwar Chaudhary, resident at Punjabi colony, Gali No.-2, P.S. and District- Samastipur, Bihar- 848101.

... .. Petitioner/s

Versus

1. The Eastern Central Railway Through the General manager, Electrical, Hajipur.
2. The General Manager Electrical (ECR), Hajipur.
3. The Senior Divisional Electrical Engineer, East Central Railway, Samastipur.
4. The Senior Section Electrical Engineer, East Central Railway, Samastipur.
5. The Senior Divisional Material Manager (Adm .) East Central Railway, Samastipur.
6. Sri R.K. Pandey, Son of not known, the Senior Divisional Electric Engineer, East Central Railway, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri, Advocate

For the Respondent/s : Mr. Ramadhar Shekhar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2022

The petitioner has prayed for the following relief/s :-

- i) To issue a writ/ order/ direction in the nature of certiorari for quashing the letter no. 466 dated 30.04.2019 issued under the signature of the Senior Divisional Electric Engineer, East Central



Railway, Samastipur by which in relation to the purchase order bearing no. 72185169150243 dated 10.05.2018 (wrongly stated as 10.02.2018) in favour of the petitioner certain discrepancies have been found for which the amount paid to the petitioner to the tune of Rs. 14,26,620.00 has been decided to be deducted and accordingly direction has been given to deduct the same from the other bills of the petitioner in relation to other contracts. (Annexure-12).

- ii) To issue a writ/ order/ direction in the nature of certiorari for quashing the letter no. 1510 dated 10.08.2018 issued under the signature of the Senior Divisional Electric Engineer, East Central Railway, Samastipur by which the decision was

taken to stop payment of the petitioner in relation to other works as against discrepancy regarding supply of 118 quantity of Desert Air Cooler. (Annexure-7)

- iii) To hold and declare that the amount due in some other contracts cannot be withheld from another



contract and accordingly direct the respondents to immediately release the payment of the petitioner in relation to other contracts which has been withheld by them under the garb of recovery of payment in relation to different contract vide purchase order no. 72185169150243 dated 10.05.2018 with interest.

- iv) During the pendency of the writ petition pass appropriate interim/ex-parte interim order preventing the respondents from taking any further coercive action against the petitioner and/or no further recoveries be permitted to be made in relation to other contracts of the petitioner.
- v) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the 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 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;

(h) The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.08.2022
Transmission Date	

