

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12909 of 2022

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Kiran Kumari, D/o Rajendra Prasad Singh W/o Sunil Kumar, resident of
village - Bagha Ward No. 29, P.S.- Begusarai Town, District – Begusarai.

... .. Petitioner/s

Versus

1. The Union of India through Chairman Central Board of Indirect Tax and Custom, North Block, Central Secretariat, Government of India, New Delhi.
2. Commissioner, Central Goods and Services Tax, Government of India, Patna - 11, 3rd Floor, CTTC, Building, Sanchar Parishar, Budh Marg, Patna - 800001, Bihar.
3. Additional Commissioner, Central Goods and Services Tax, Central GST Office, Patna, Bihar.
4. The Deputy Commissioner, Central Goods and Services Tax, Central GST and Central Excise Division, Begusarai, District - Begusarai, Bihar.
5. Assistant Commissioner, Central Goods and Services Tax, Central GST, Central Excise Division, Begusarai, District - Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
Mr. Nakul Kumar Jamuar, Advocate

For the Respondent/s : Dr. K.N.Singh, A.S.G.
Mr. Kumar Priya Ranjan, CGC.

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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 : 09-09-2022

Heard learned counsel for the parties.

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



1. That this writ application is being filed on behalf of the petitioner named above, and petitioner prays for issuance of a writ preferably in the nature of mandamus commanding and directing to the Respondents concerned to not the misuse the Government money, because a tender notice was published on e-portal for hiring the building for the office of Central Goods and Services tax (GST) and Central Excise in Division Begusarai, and now the said office is running in the building of the petitioner, and after expiring the period of agreement the department published a tender notice on 04.10.2021, in which four applicant were participated in the said tender, including the petitioner and the petitioner applied minimum rate of Rs. 15/-sq.feet (On the old rate of 2018), but the Respondents have not given the opportunity to the petitioner, while the said office of GST is running in the building of the petitioner from more than last three years and never any dispute were arise from the petitioner, and all criteria is doing fulfill the



building of the petitioner, but the Respondent Commissioner, recommended and finalized the said tender in favour of own recognize person, on the higher rate more than the rate of petitioner, and in the aforesaid tender Bharat Sanchar Nigam Limited (BSNL), Begusarai Branch also participated on minimum rate, and all facilities are available for the office of CGST and which is also department of Government of India, but the respondent Commissioner has not decided to shifting the office of CGST in the BSNL building but only for illegal advantage the Respondent gave the order for shifting the office CGST of one Sunil Kumar Sharma, on higher rate, than the petitioner, which building is incomplete and under construction building which is not safe and secured for the office of CGST, which is the misuse of the Government money, therefore direction may be give to the Respondents concerned to give the opportunity , which rate is minimum and who fulfill the all criteria and



preference should be given to the petitioner, because the office of the CGST is running in the building of the petitioner more than last three years without any disturbance. And/or pass any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.

The petitioner had let out the premises to the respondent for housing the office of the Central Goods and Service Tax. Vide notice dated 25th July 2022 (Annexure-3, Page 34), the petitioner was informed that the respondent would be vacating the premises and handing over the vacant possession on or before 31st of August, 2022. There is no dispute with regard to the tenancy subsisting in terms of lease agreement dated 16.11.2018.

The respondents, in order to house their office, issued a tender dated 04.10.2022 inviting offers from different landlords. It is the petitioner's grievance that the respondents did not consider the petitioner's offer.

Well, it is not so, the offer was considered, but the respondents chose a better location, may be at a higher rate. As such, it cannot be said that the petitioner stands unfairly discriminated or that the action of the respondents is irrational, illogical or not in terms of the commercial prevalent practice.



There is nothing on record to establish that the rent offered by the successful tenderer for which respondent has finalised the bid, is far in excess than the prevalent market rate. The choice for housing an office is solely the discretion of the tenant and cannot be that of the landlord.

Equally, no mandamus can be issued to the tenant to take on rent the premises of any particular landlord.

As such, present petition, devoid of merit, is dismissed.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	14.09.2022
Transmission Date	

