

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4004 of 2021

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M/s Softage Information Technology Limited, having its registered Office
Situating at Plot no.204, Phase-IV, Udyog Vihar, Gurugram, Haryana-122002
through its authorized Signatory Ghanshyam Jha Son of S.N.Jha, aged About
45 Years, Male.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Patna.
2. The Bihar School Examination Board through its Secretary, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anjani Kumar Jha, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG 15
		Mr. Shashi Shekhar Tiwari, AC to AAG 15
		Mr. Ajay, Advocate

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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 : 18-01-2022

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

- (i) For issuance of writ in the nature of mandamus for directing
the respondents for payment of legitimate dues of petitioner
lying with the respondent to the tune of Rs.98,64,286.64/-
(Rupees Ninety-eight Lakhs Sixty-four Thousand Two
hundred Eighty Six and Paise Sixty Four) with interest as
petitioner has executed the allotted work in year 2017 but
petitioner has not been paid single penny on account of work
done by him.



- (ii) For issuance of writ in the nature of mandamus for directing the respondents for release of Performance Security of Rs. 13,91,136.00/- (Rupees Thirteen Lakhs Ninety-one Thousand One Hundred Thirty-six) which has been withheld by Respondents.
- (iii) For issuance of writ in the nature of mandamus for directing the respondents for payment of additional work done by the Petitioner as in scope of work only there work of data entry

of 16 fields given but direction was given for data entry of 32 field and other additional works which were not mentioned in the Notice Inviting Tender, which is amounting to Rs. 85,61,000/- approximately excluding GST in addition to the above mentioned amount.

- (iv) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted dues with compound interest @ 18% per annum compounded monthly and all cost, charges and expenses of incurred by the petitioner alongwith cost of litigation.
- (v) For any other relief/reliefs to petitioner is entitled for.

After the matter was heard for some time, learned counsel for the petitioner, finding the court not to be in favour of the submissions made across the bar, seeks liberty to (a) approach the respondents venting out his grievances and (b) take recourse to such other alternative remedies as are otherwise available in accordance with law.

Liberty, as prayed for, is granted.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate



petition(s), if so required and desired.

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

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.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law open, the petition stands disposed of in the aforesaid terms.

We may not be misunderstood to have extended the period of limitation or expressed any view on merits.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2022
Transmission Date	

