

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13800 of 2019

M/s Shree Niwas Enterprises a Proprietorship Firm, having its registered Office at Bhopalika House, East Boring Canal Road, Vishnu Place Lane, Patna - 800001 through its Proprietor, Mahabir Prasad Agarwal, Aged about 69 Years (Male) Son of Late Manna Lal Agarwal, resident of Bhopalika House, East Boring Canal Road, Vishnu Place lane, Patna.-800001.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Bihar State Power (Holding) Company Limited, through its Chairman- cum- Managing Director, Vidyut Bhawan, Bailey Road, Patna.
3. The Chairman- cum- Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. North Bihar Power Distribution Company Limited, through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
5. The Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
6. The Chief Engineer (Stores and Purchase), North Bihar Power Distribution Company Limited, vidyut Bhawan, Bailey Road, Patna.
7. The Electrical Superintending Engineer (Stores and Purchase), North Bihar Power Distribution Company Ltd, Vidyut Bhawan, Bailey Road, Patna.
8. The Senior Manager (Finance and Accounts), North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
9. The Assistant Electrical Engineer (Commercial), North Bihar Power Distribution Company Ltd, Vidyut Bhawan, Bailey Road, Patna.-800021.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Subash Prasad Singh (GA-3)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 17-03-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“(1) (i) For issuance of an appropriate writ, order or direction in the nature of writ of Mandamus, directing the respondent authorities to immediately release the payment of the petitioner as against the material supplied by it pursuant to NIT No. 419/PR/NBPDCL/ 2013, issued by the respondent, North Bihar Power Distribution



Company Limited.

(ii) To hold and declare that in the facts and circumstances of the case the conduct of the authority in not making the payment is wholly arbitrary, perverse and unsustainable in the eye of law.

(iii) To hold and declare that once the materials were supplied by the petitioner and the same were duly accepted, that too, after inspection and thorough verification conducted by the Inspecting Officer appointed by the authorities themselves and after having sealed the material thereafter, they cannot be permitted to withhold the payment without any valid reason.

(iv) For a declaration that inordinate delay in making payment is detrimental to a small scale industrial unit and the petitioner is entitled for statutory interest over the same as per the provisions of the MSME Act, 2006; and for any other relief reliefs to which the petitioner may be found entitled to in the facts and circumstances of the instant case.”

Learned counsel for the respondents submitted that in identical matter this Court in C.W.J.C. No. 7625 of 2019 proceeded to dispose of the same on 03.11.2022 to avail alternative remedy.

In the light of the aforesaid submission read with the decision, the present petition stands disposed of in terms of the order dated 03.11.2022 passed in C.W.J.C. No. 7625 of 2019.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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