

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21194 of 2013

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A2z Infrastructure Ltd. Having Its Registered Office At 205, Laxman Place,
19-Veer Savakrkar, Block - Shakarpur, Delhi Regional Office At - Raza
Bazar, Jagdeo Path, Near Shayamal Apartment, Bailey Road, Patna - 1

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Urban Development And Housing Department,
Govt. Of Bihar, Patna
3. The District Magistrate, Biharsharif
4. The Municipal Commissioner, Biharsharif Municipal Corporation, Nalanda,
Bihar
5. The Biharsharif Municipal Corporation, Nalanda, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Adv
	:	Mr. Abhinav Alok, Adv.
	:	Mr. Priyajeet Pankaj, Adv.
For the BMC	:	Mr. Gyan Prakash Ojha, Adv.
For the State	:	Mr. Ajit Kr., Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL JUDGMENT

Date : 20-06-2023

The present writ petition is filed for the following
relief(s):

*"(i) Making the payment of admitted due of
Rs. 53,55,215/- along with 18% interest thereon
calculated from the date the amount failed due to the
actual date of payment, in lieu of the monthly bills of
Petitioner from April 2012 to June 2012 including the
previous 20% monthly bills, for conducting the work of
daily primary collection of M.S.W. Mechanical Street*



sweeping Drain cleaning and transportation of waste as per MSW rules 2000 in different wards and Main Roads of Bihar Shriff Municipal Corporation and as per Clause 14 of the terms of the Contract Agreement BSMC has to make 75% of the payment of the Petitioner within 10 days from the receipt of monthly bills and the remaining 25% of the payment has to be made within 20 days the respondent Corporation has to make the payment after verification of the bills, and Petitioner has an Legitimate expectation to get the payment of monthly bills as per the terms of the Contract Agreement, Since the Petitioner in anticipation to conduct the work as per the terms of the Contract Agreement made such a huge investment,by way of purchasing Vehicles, Equipments and Accessories for conducting the Operations, as well as appointed more than hundred employees."

ii) For issuance of any other relief or reliefs."

Learned counsel for the petitioner has stated that the respondent No. 4 has to pay 75% of the bill amounts raised by the petitioner as per Clause 14(4) of the Contract maintained between the petitioner and the corporation but in spite of raising the bills the authorities concerned are not paying the same. Therefore, left with no other alternative remedy, the petitioner is constrained to approach this Hon'ble Court.

Per contra, the learned counsel appearing on behalf of the respondent-corporation has stated that the petitioner has an alternate remedy of filing an application before the competent



authority under Clause 25(1) or before sole arbitrator under Clause 25(2), if any amounts due are payable to him.

Further, the learned counsel has stated that as nearly ten years has elapsed since the writ petition is filed, the petitioner may be directed to file a fresh representation along with the requisite bills before the 4th respondent and on such representation being given, the same shall be considered by the 4th respondent and, if any amounts are due to the petitioner, the same shall be paid.

Having regard to the aforesaid facts and circumstances, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation along with the necessary bills to the Municipal Commissioner, Bihar Sharif Municipal Corporation i.e. 4th respondent herein, within a period of one month from the date of receipt of the copy of this order and on such representation being made, the 4th respondent shall consider the claim of the petitioner and pass necessary orders for payments of any money due to the petitioner, if they are found admissible, within a period of two months thereof. It is made clear that in case the representation of the petitioner is rejected, the same shall be done by assigning reasons and the petitioner shall be at liberty to



invoke the remedies available under the law for payment of the said amounts, if any due.

With the above observations, the writ petition stands disposed of.

(A. Abhishek Reddy , J)

gauravkr/Ayush-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.06.2023
Transmission Date	N/A

