IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8401 of 2023

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M/s Magadh Tube Well Engineering Works through its Proprietor Sri Rajendra Prasad (Male aged about 75 Years) S/o Deo Sharan Prasad Resident of Mohalla-Khasganj, P.O.-Sohsarai (Nalanda) Bihar, Pin Code-803116, Head Office-C/o Magadh Cold Storage, Kujapi (Gaya), Pin-823002.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary, Urban Development Govt. of Bihar, Patna.
2. The Municipal Commissioner, Municipal Corportion, Gaya
3. The, Mayour, Gaya Municipal Corporation, Gaya.
4. The, Managing Director Budcco, Maurya Lok Complex, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kejariwal, Advocate Ms. Kalpana, Advocate
For the State	:	Mr. Shiv Kumar, AC to GA-3
For the Gaya Municipal Corporation:		Mr. Ravindra Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-07-2023

In the instant petition, petitioner has prayed for the following reliefs:-

> *"(i) For issuance of writ in the nature of certiorari for quashing the order dated 25.10.2022 passed by Municipal Commissioner, Municipal Corporation, Gaya (respondent no. 2) by which he has rejected the claim of petitioner.*
>
> *(ii) For issuance of writ in the nature of command directing the respondent to revise the tender estimate of year 2019-20 (e-tender no. 20 and 21 dated 04.12.2019 published in Dainik Bhaskar) adding 10% GST over tender estimate*

amount for the work already completed and for the work which is still to be completed.

(iii) For issuance of writ in the nature of command directing the respondent to release 10% amount against GST over the tender amount with respect to tender work 65, 66, 67, 68, 69, 70, 96, 98, 99, 100, 133 and 136 (2017-2018) which has already been completed by petitioner for the tender published in the year 2017-18.

(iv) For issuance of writ in the nature of command directing the respondent (respondent no. 2) to consider the representation dated 12.12.2022 filed by petitioner in accordance with law and re-consider the matter/issue a fresh.

(v) For issuance of any other writ/writs, order/orders for which petitioner deemed entitled to."

2. During the pendency of the present petition, the second respondent has filed counter affidavit. Perusal of pleadings in the counter affidavit, the concerned official respondents have expressed for reconsideration of grievance of the petitioner insofar as refund of certain GST amount. Taking note of the second counter affidavit, the present petition stands disposed off while directing the concerned official respondents and second respondent to revisit the issue whether petitioner is entitled to refund of GST amount or not? In this regard, the petitioner shall be heard in the matter. Petitioner shall co-operate with the concerned GST official.

For remaining any disputed issue, it is required to be agitated before the different forum in that event petitioner is at liberty to agitate the disputed issue before the appropriate forum.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Vikash/-

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