

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11785 of 2021

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Manoj Kumar Son of Paro Yadav Resident of village - Ramdih, P.S. -
Sikandara, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Jamui.
3. The D.D.C. Cum C.E.O, Zila Parishad, Jamui.
4. Zila Parishad, Jamui through its Chairman.
5. The Chairman, Zila Parishad, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vipin Kumar, Advocate Mr. Sanjiv Kumar, Advocate Mr. Ankit Kumar Singh, Advocate
For the State	:	Mr. Satya Vrat, A.C. to G.P.-10
For the Jamui Zila Parishad	:	Mr. Anwar Karim, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

20 01-07-2024 Heard the parties.

2. The present petition has been preferred for the
following reliefs:-

*(i) for quashing of Letter No. 157 dated
04.03.2021 issued by the Respondent No. 3
whereby and where under petitioner has been
asked to deposit the remaining amount of
tender/bid, stamp paper and registration fee
amounting Rs. 19,80,045/- (Nineteen Lakh Eighty
Thousand Forty Five) by 21.03.2021 in the
Nazarath of the Zila Parishad, Jamui failing which
step for recovery of the aid amount will be taken;*

(ii) for direction upon the respondent



authority to refund the part of settlement/bidding amount i.e. 34,52,895/- (Thirty Four Lakh Fifty Two Thousand Eight Hundred Ninety Five) deposited by the petitioner as agreement/tender has not attained finality due to prevailing situation of Covid-19;

(iii) for direction upon the respondent authority to consider the representation/case of the petitioner specially in the present situation of pandemic.

3. The specific case of the petitioner is that pursuant to the Tender issued by the respondent no. 3, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Jamui, the Tenderer were invited for submitting their respective Tenders relating to collection of parking fee of the different parking stands (DRDA, Jamui jurisdiction).

4. It is his case that on 21.03.2020 considering that he was declared highest bidder for Sikandara Bus Stand, settlement was approved in his favour which followed payment of Rs. 34,52,895/- but soon thereafter complete lockdown took place in the country from 24th of March, 2020 and as such neither the remaining amount was deposited nor tender attained its finality.

5. He submits that in the first week of July, the petitioner requested to refund the money as there was no chance



of return of normalcy of the public transportation. Immediately, thereafter letter no. 318 dated 08.07.2020 was issued after which once again, request was made to refund the amount.

6. His case is that vide letter no. 570 dated 17.12.2020, he was directed to deposit Rs. 19,80,045/- which included the rest over bidding amount as also registration fee. This followed several notices. Left with no option, the writ petition.

7. A counter affidavit on behalf of the respondent no. 3 is on record and according to them, on 03.04.2020 (*when there was complete lockdown*), he was directed to make payment of Rs. 19,80,045/- so that the agreement could be completed but due to laches on his part, the same could not be done and in the meantime, he also collected rents.

8. A perusal of the receipts show that it is dated 09-07, 11-07 and 12-07. There is nothing on record to show that during the Covid-19 lockdown period in the entire country (24.03.2020 to 31.05.2020), anyone was coming out of the home/vehicles plying on the road and the petitioner was collecting rent. The matter is pending for long and it is high time that the same is given a finality.

9. The petitioner shall be filing all the documents on



record before the respondent no. 3, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Jamui in next four weeks.

10. The respondent no. 3 is duty bound to look into the matter, hear all the parties, peruse the record and pass a reasoned order.

11. It is made clear that the respondent no. 3 has to pass a reasoned order and copy has to be provided to the petitioner free of cost immediately thereafter.

12. The writ petition stands disposed of.

(Rajiv Roy, J)

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