

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15584 of 2019

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Ginee Infra Tech (India) Private Limited company through its Director namely Alok Singh, son of Sri Ambesh Kumar Singh, the office of the said company is situated at 330, Vishal Tower, District Centre Janakpuri, New Delhi 110058.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner cum Secretary, the Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Nagar Parishad, Lakhisarai through its Executive Officer.
4. The Chairman, Nagar Parishad Lakhisarai.
5. The Executive Officer, Nagar Parishad, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar Singh, Adv
For the Respondent/s	:	Mr. Avinash Kuamr, Advocate
		Mr. Prabhat Kumar, Adv.
		Mr. Syed Hussain Najeed, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 19-01-2024 Heard the parties.

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

“(i) For issuing a WRIT in the nature of Mandamus for directing the respondent Authorities particularly respondent no. 3 to 5 to pay the admitted due amount of Rs. 21,73,500/- to the petitioner against supplying of Bio- degradable mobile toilets to them pursuant to Annexure 2, which is a tender notice 02 for the year 2017-18.

(ii) For issuing a writ in the nature of mandamus for directing the respondent authorities to pay the interest amount at the



rate of 24 percent (as contained in the bill itself) on the admitted dues for the period from August 2018 till date of the actual payment of the bill.

(iii) For issuing other writ/writs, order/orders or direction/directions, which yours Lordships deem fit and proper in this matter.”.

3. Admitted facts of the present case is that the petitioner has given work order by the Nagar Parishad, Lakhisarai, petitioner has supplied six mobile toilets for which the payment has been made for two of the mobile toilets. That in respect of the other four mobile toilets, the authorities have not paid on the ground that the a complaint has been received by the Vigilance Department and on the basis of such complaint, an inquiry was instituted.

4. Learned counsel appearing on behalf of the respondents has stated that the outcome of the said inquiry is not available with the respondents. Learned counsel has stated that he has no instructions with regard to the outcome of the said inquiry. Learned counsel has stated that the petitioner may be directed to file a representation to the Executive Officer (Respondent No. 5) ventilating his grievance and on such representation being made, the authority concerned shall verify the claim of the petitioner and pass necessary orders for



payment of amount due to the petitioner.

5. Having regard to the above made submission this Court is of the opinion that the ends of justice would be met, if the present writ petition is disposed off with a direction to the petitioner to give a representation to the Executive Officer (Respondent No. 5) ventilating his grievance along with the necessary documents to substantiate that the payment is yet to be made for the four mobile toilets within a period of four weeks from today. On receipt of such representation, the Executive Officer (Respondent No. 5) shall consider the same and pass necessary orders for making the payments due to the petitioner within a period of four weeks thereof. It is made clear that the payment due to the petitioner shall not be denied on the ground that the inquiry if any is still pending.

6. With the above directions, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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