

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11812 of 2023

1. M/s Xplorer Consultancy Service Private Ltd. Plot No. 3, First Floor, Sector 18, Sarhol Opposite HIPA, Gurgaon through its Managing Director Mr. Prasanta Kumar Kundu.
2. Mr. Prasanta Kumar Kundu, Male, aged about 60 years, Managing Director, M/s Xplorer Consultancy Service Private Ltd, son of Mr. C.R. Kundu, Resident of B4 1104, Palm Grove Heights, Ardee City, Sector 52, Gurgaon.

... .. Petitioner/s

Versus

1. Bihar State Hydroelectric Power Corporation Ltd. through its Chairman, Sone Bhawan, Birchand Patel Marg, Patna-800001.
2. The Chairman, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
3. The Managing Director, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
4. The Superintending Engineer, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
5. The Accounts Manager, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
6. The Executive Engineer, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
7. The Chief Engineer, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.
8. The Assistant Engineer, Bihar State Hydroelectric Power Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate with
Ms. Manini Jaiswal, Advocate.

For the Respondent/s : Mr. Mritunjay Kumar, Advocate.

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

6 18-04-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-



“(i) For issuance of an appropriate writ in the nature of mandamus directing the respondents to pay the remaining dues pursuant to the agreement No. 16/Elect/2011-12 dated 13.04.2012 for conducting a detailed survey and preparation of prefeasibility report in Mahananda river with interest till the date of payment.

(ii) For quashing that part of the Committee report dated 18.10.2022 annexed as Annexure A to the MJC 1635/2022 whereby and whereunder in Paragraph Nos. 9 & 10 wrong/false statement has been given completely contrary to the record of the case. The statement was deliberately made with ulterior motive disputing the claim of the petitioner and depriving the petitioner to avail the extraordinary jurisdiction of this Court.

(iii) For direction upon the respondent Corporation to refund the deducted amount out of admitted amount of Rs. 30,41,116/- towards penalty and service tax which was on hold in an arbitrary manner.”

3. Learned counsel appearing on behalf of the petitioners has stated that though the petitioners have completed the work and raised the bills, only part of the bill amounts have being paid. Learned counsel has stated that pursuant to the order of the Division Bench of this Hon'ble Court in CWJC No. 19365 of 2021 dated 01.07.2022, the authorities have verified



the representations/bills submitted by the petitioners. That for the purpose of verification a three men Committee has being constituted which has submitted its report based on which some amounts have being paid. However, in so far as the Item Nos. 9 & 10 of the three men Committee report is concerned wherein the bills raised by the petitioners have being rejected on the ground that the work order for the said bills have not been issued is totally baseless and wrong. Learned counsel has drawn the attention of this Court to the Annexure P/8 dated 19.10.2012 which reveals that the same is the work order covering the Item Nos. 9 & 10 of the three men Committee report (Annexure R/3 of the counter-affidavit).

4. Learned counsel for the respondents has stated that the authorities duly taking into consideration all the documents submitted by the petitioners have paid the genuine claims but rejected the claims which were not supported by necessary documents. However, learned counsel has fairly stated that the matter may be remitted back to the authority concerned for verifying the Annexure P/8 submitted by the petitioners and in case, the same is found to be genuine and correct, they will take necessary steps for making the payment due to the petitioners.

5. Having regard to the above made submission, the



present writ petition is disposed of directing the petitioners to approach the Respondent No. 3/ Respondent No. 7 by way of representation duly enclosing the copy of Annexure P/8 within a period of two weeks from the date of the receipt of the copy of this order. On such representation being made, the Respondent No. 3/Respondent No.7 is directed to verify the claims and take necessary steps for payments of the amounts due to the petitioners.

6. It is needless to mention that before passing any order the petitioners shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of the representation. Any order passed shall be communicated to the party.

7. With the above directions, the present Writ Petition stands disposed of to the extent indicated.

(A. Abhishek Reddy, J)

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