

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1048 of 2023

M/S Shree Jogmaya Infrastructure Co. Pvt. Ltd. Registered Office at Flat No. 204, Building No. 32/C, Wing-C, MHADA Colony, Chandivali, Andheri (E), Mumbai- 400072, Branch office at Mojri House Company Sarai, District- Sasaram, represented through its director namely Deepak Kumar, Male aged about- 39 years, Son of Ashok Kumar Singh, Director of Shree Jogmaya Infrastructure Co. Pvt. Ltd, permanent resident of Mojari House, Ward No.-2, Company Sarai, Kargahar More behind of Sasaram- Bhabhua Central Co-Operative Bank, Sasaram, Rohtas, District- Rohtas at Sassaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department Government of Bihar, Patna.
2. Bihar State Educational Infrastructure Development Corporation Ltd, through its Managing Director, Shiksha Bhawan, Bihar Rastrabhasa Praishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna- 800004
3. Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd., Patna Shiksha Bhawan, Bihar Ratrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna- 800004
4. The Deputy Secretary, Education Department Government of Bihar Patna.
5. Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Patna Shiksha Bhawan, Bihar Ratrabhasa Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna- 800004
6. Executive Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Magadh Division, Gaya, District- Gaya.
7. Asst. Engineer, Bihar State Educational Infrastructure Development Corporation Ltd., Magadh Division, Gaya, District- Gaya.
8. Junior Engnieer, Bihar State Educational Infrastructure Development Corporation Ltd., Magadh Division, Gaya, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Adv. Mr. Shivam Singh, Adv. Mr. Kumar Vikram, Adv.
For the Respondent/s	:	Mr.Prabhakar Jha (GP27)
For the BSEIDC		Mr. Girijesh Kumar, Adv.

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

8 05-09-2024

Heard the parties.

2. The present writ petition is filed for the following



relief(s):-

“I. for a direction to the Chief Engineer, Bihar State Educational Infrastructure Development Corporation Ltd, Patna (hereinafter referred as "B.S.E.I.D.C.L" for the sake of brevity) by which the contract of construction of Model School-156 at construction of High School at Bajaura, High School at Mohanpur in the district of Gaya (herein after called as "contract work") to release the amount with regard to security deposit deduction of 8% is pending to the tune of Rs. 29,06,652/-, security deposit which was withheld to the tune of Rs. 10% from the session 2018-19 till 2021 to the tune of Rs. 21,63,167/-, total performance security which was withheld was of Rs. 15,95,000/- and the final payment to the tune of Rs. 35 lacs; on the ground that the entire work is already completed by the petitioner-company, the website of the respondent authority accept the fact that the work is already completed in the month of March, 2022 to the said building is already handed to the other department where the students also study;

II. That the present writ application is being filed in the nature of Mandamus for a direction to the respondent authority to release the amount alongwith 9% interest from the date of filing of the present writ application till the release of the amount.

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3. Learned counsel appearing on behalf of the petitioner has stated that the present writ petition may be disposed of directing the Respondent No. 5 to consider the



representation dated 14.11.2022 (Annexure P/19) and pass necessary orders by fixing a time framed.

4. Learned counsel appearing on behalf of the respondents has stated that he has no objection if a direction is given to the Respondent No. 5 to consider the representation made by the petitioner and pass necessary orders strictly in accordance with law.

5. Having regard to the above made submissions, the present writ petition is disposed of directing the Respondent No. 5 to consider the representation dated 14.11.2022 (Annexure P/19) made by the petitioner ventilating his grievance as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

6. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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