

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18443 of 2024

M/s Indra Naraian Singh Contractors Pvt. Ltd having office at Kautilya Nagar, 76 Vidhyak Colony, Patna, Bihar -800014 represented through its Managing Director namely Manoj Kumar Singh, male aged about 52, son of Indra Narayan Singh resident of Narayan Villa, B Block, Flat N 3E, East Patel Nagar, Patna near Gandhi Murti, Rajvanshi Nagar, District-Patna, Bihar-800023

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Additional Chief Secretary, Department of Health, Bihar, Patna
3. Bihar Medical Services and Infrastructure Corporation Limited Sheikhpura, Patna.
4. The Chairman, Bihar Medical Services and Infrastructure Corporation Limited cum The Additional Chief Secretary, Department of Health cum having office at Sheikhpura, Patna.
5. The Managing Director, Bihar Medical Services and Infrastructure Corporation Limited, Sheikhpura, Patna
6. The Chief General Manager, Bihar Medical Services and Infrastructure Limited, Sheikhpura, Patna
7. The General Manager, Bihar Medical Services and Infrastructure Limited, Sheikhpura, Patna
8. The Deputy General Manager, Project, Bihar Medical Services and Infrastructure Limited, Koshi, Madhepura
9. The General Manager, Finance, Bihar Medical Services and Infrastructure Limited, Sheikhpura, Patna
10. The State Health Society, Sheikhpura, Patna.
11. The Executive Director, State Health Society, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Prakash Sahay, Adv. Ms. Ankita Kumari, Adv.
For the Respondent/s	:	Mr., S. D. Yadav, Additional Advocate General (9) Mr. Brij Bhushan Mishra, AC to AAG 9
For the BMSCIL		Mr. Lalit Kishore, Sr. Adv. Mr. Vikash Kumar, Adv.

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

2 11-12-2024

Heard the parties.



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

“(i) For issuance of order(s), direction(s), writ(s) particularly in the nature of the writ of mandamus for a direction upon the respondent authorities for making payment of Rs. 1,45,48,531.79 (One crore forty five Lakh Twenty forty eight Thousand five thrity one Rupees and 79 paisa Only) which is due upon the respondent authority for the work done under Sadar Hospital, Saharsa (Misssion 60) with respect of repairing, painting and additional work in Sadar Hospital, Saharsa with reference to Agreement number Ex. Modal Hospital /SBD /107 /2020-21 dated 19.03.2021.

(ii) For direction upon respondent authorities to make payment on due amount along with 18% interest thereupon.

(iii) For any other relief(s) for which petitioner is entitled for.”

3. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has ventilated his grievance to the Respondent No. 5, i.e., the Managing Director, Bihar Medical Services and Infrastructure Corporation Limited by way of representation dated 28.10.2024 (Annexure P/10). Learned counsel has also stated that though the authorities have received the representation on 28.10.2024 but till date they have not taken any decision. Learned counsel has dawn the attention of this Court to the various documents filed with regard to the



work entrusted and also the technical sanctioned issued by the Chief General Manager (projects) (Annexure P/8, Page 33 of the present writ petition) for the amounts sanctioned for the repair works of Sadar Hospital Saharsa (under Mission 60 Scheme). Learned counsel has stated that a direction may be given to the authorities to consider the representation dated 28.10.2024 (Annexure P/10 of the present writ petition) made by the petitioner by fixing a time frame.

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, i.e, the Managing Director, Bihar Medical Services and Infrastructure Corporation Limited to consider the representation made by the petitioner 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 28.10.2024 (Annexure P/10 of the present writ petition) made by the petitioner and pass necessary orders strictly in accordance with law. In case the authorities comes to the conclusion that the claim made by the petitioner is genuine, they shall make necessary arrangement for payment of the admitted dues. The authorities shall also take



into the consideration the documents submitted by the petitioner in support of his case. In case the authorities comes to the conclusion that the claim made by the petitioner is liable to be rejected, they shall pass a reasoned orders giving the reasons for rejecting his claim. If any communication is received by the Respondent No. 5 to the concerned department, the said department shall ensure for making the payment due to the petitioner. The said department shall ensure the amounts are made available for disbursement.

6. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. 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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