

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11646 of 2017

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Ozone Overseas Private Limited, a Company registered under the Companies Act, 1956 having its office at H-40/3, Bali Nagar, Delhi – 110015 through its authorized representative Shri Rajan Aggarwal, Vice President (Projects).

... .. Petitioner/s

Versus

1. Bihar State Tourism Development Corporation Limited Through Its Managing Director, Biur Chand Patel Path, Patna - 800001
2. The State of Bihar, through the Principal Secretary, Department of Tourism, Government of Bihar, Old Secretariat, Patna - 800015
3. The General Manager Works, Bihar State Tourism Development Corporation Limited, Bir Chand Patel Path, Patna 800001
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Mrigank Mauli, Sr. Advocate Saket Tiwary, Advocate
For the State	:	M/s Sita Ram Yadav, GP 16 Rakesh Kumar Shrivastava, Advocate
For the BSTDCL	:	M/s Kumar Abhimanyu Pratap Parmanand Prasad, Advocate Rushali, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 28-04-2025

1. Heard the Learned Senior Counsel for the petitioner as well as the Learned counsel for the respondents.

2. The petitioner has filed the Writ petition for the following reliefs:-

“(i) Issuance of writ of mandamus directing the Respondents to make payment of



the amounts of INR 80,90,703/-, admittedly, due to be paid for successful performance and completion of the work awarded to the Petitioner under Letter of Award No. 439/Engg/14 dated 11.09.2014 alongwith interest @15% per annum to be calculated on compounding basis;

(ii) Issuance of writ of mandamus directing the Respondents to release the Performance Bank Guarantee of INR 3,61,162/- submitted by the Petitioner and renewed from time to time and;

(vi) For any other relief for which the petitioner is entitled to in the facts and circumstances of the case and in the interest of justice.”

2. At the outset, the Learned Senior counsel for the petitioner submitted that a Writ petition, being **CWJC No. 8340 of 2017 (Ozone Overseas Private Limited vs. Bihar Urban Infrastructure Development Corporation Limited & Ors.)**, was earlier filed by the Writ



petitioner herein, seeking similar type of relief, and the facts of the case were also more or less similar to those in the present writ petition. The said Writ petition was allowed by this Court vide judgment dated 03.03.2025.

3. In view of the aforesaid facts and circumstances, the Learned Senior counsel for the petitioner contended that since the similar type of issue are involved, the present writ petition is squarely covered by the judgment dated 03.03.2025 passed in **CWJC No. 8340 of 2017 (supra)**, this writ petition may also be disposed of on the same terms.

5. Having regard to the facts that the petitioner has completed the work awarded to him, but the admitted due amount i.e. Rs. 80,90,703/- has not been paid by the respondents and also not releasing the Performance Bank Guarantee of Rs. 3,61,162/-, this Court is of the considered opinion the amount as stated above, should be paid to the petitioner by the respondents forthwith.

6. The respondents are directed to make



payment of the aforesaid admitted dues of the petitioner as expeditious as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid observations, this writ petition stands allowed to the extent indicated above.

8. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2025
Transmission Date	

