

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7509 of 2020

Tata Motors Limited having its registered office at Bombay House, 24, Homi Mody Street, Mumbai- 40000 through its Authorized Representative, Mr. Tushar Kumar (male) aged 38 years, S/O Mr. Rajeev Lochan presently posted as Senior Manager at the Patna Branch Office situated at TATA Motors Limited, 4th Floor, SAI Corporate Park, Rukunpura, Bailey Road, Patna- 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna - 800015.
3. Patna Municipal Corporation through the Municipal Commissioner, Maurya Lok Complex, Buddha Marg, Patna- 800001, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
Ms. Somali Acharya, Advocate
For the Respondent/s : Mr. Abbas Haider, SC 6
Mr. Yashraj Bardhan, Advocate
Mr. Prasoon Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

Date : 25-03-2022

The matter has been heard *via* video conferencing.

2. The petitioner has filed this petition for issuance of writ in the nature of mandamus to direct the respondents to pay the



admitted outstanding amount due towards supply of 119 units of TATA 3 CuM Tipper on LPK407Ex/27 BS IV vehicles, which were purchased from the petitioner. It appears that Bid No. GEM/2018/B/117955 dated 12.11.2019 for supply of 119 units of TATA 3 CuM Tipper on LPK407Ex/27 BS IV vehicles was issued by the Patna Municipal Corporation(hereinafter referred to as “the Corporation”). The petitioner was successful in the bid and became L1 bidder. Consequently, the order was placed upon the petitioner Company for supply, delivery, testing, training and successful commissioning of 119 units of TATA vehicles.

3. Thereafter, a contract was also drawn up in between the parties and circulated on the website of respondent no. 2. In terms of the Agreement dated 24.01.2019, payment had to be made to the petitioner within 15 to 30 days of the final submission of the Bills but despite lapse of considerable period, the outstanding amount of Rs. 12,68,50,516/- was not paid by the Corporation.

4. The respondent Corporation has filed a counter affidavit, paragraphs 9 to 11 whereof, are reproduced hereinbelow :-

“9. That it is sated that due to non-approval of said machine, payment could not be done to the petitioner, and appropriate step has been taken by the respondent Corporation for making proper payment. The supplementary DPR has been prepared and sent to the Department



adding supplied machine of the petitioner; vide Letter No. 4902, dt. 05.05.2020.

10. That it is stated that approval from the Urban Development Department, Govt. of Bihar is awaited for the Supplementary DPR and once the same is received, admitted and appropriate payment for the machines supplied by petitioner, shall immediately be made.

11. That it is submitted that the payment of petitioner, is disrupted and delayed due to technical reasons and due to non-approval of the machines supplied. There is no malafide intention and the averment contrary to this, as made by petitioner, is vehemently opposed.”

5. On the last date of hearing i.e., yesterday when the matter was taken up we had put a query as to within what period the outstanding dues of the petitioner Company shall be paid.

6. Today, when the matter has been taken up, the learned counsel for the Corporation has assured the Court, upon specific instructions, that the payment shall be made by the respondent Corporation within a period of two months from today. The petitioner is satisfied with the assurance of the Corporation.

7. We, thus, dispose of the writ petition with a direction that the respondent- Corporation shall make payment within a period of two months from today. In the eventuality of further delay in making payment, the entire amount shall carry interest @ 8% per annum from the day the same became due till the actual date of payment. The State/Corporation shall be at liberty to



deduct the said amount from the salary of the officials responsible for delay in making payments.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

