

(2020) 12 PAT CK 0172

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 10670 Of 2018

M/S Mrt. Signals Limited

APPELLANT

Vs

East Central Railway And Ors

RESPONDENT

Date of Decision: Dec. 17, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Shailendra Kumar Singh, Bijoy Kumar Sinha

Final Decision: Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

For issuance of a writ of mandamus directing the respondent to make payment of illegal deducted Entry Tax amount of Rs. 39,83,357-00 from the

petitioner account Bill on supply of materials against Tender no. 3006146008 dated 16.10.2014 and purchase order 06/14/6008/1/15398 dated

31.03.2015 and the petitioner further prays for direction to Respondent authorities for any other relief/reliefs for which the Hon'ble Court may deem fit and proper.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the

concerned respondents to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today enclosing

the decision rendered by this Court in C.W.J.C. No. 544 of 2008, titled as Electrical Private Ltd. Vs. The Union of India & Ors., as also in C.W.J.C.

No. 9546 of 2012, titled as M/S Param Enterprises (P) Ltd. Vs. The East Central Railways & Ors.. State cannot have any objection to the same.

As such, as prayed for, we dispose of the present petition with the following directions:

The petitioner shall file a representation before the respondent authority concerned, within a period of four weeks;

If the petitioner files a representation within the time indicated above, the concerned respondent authority is directed to consider and decide the

representation in the light of judgments in the case of Electrical Private Ltd. and M/S Param Enterprises (P) Ltd. (supra) within a period of two

months thereafter by a speaking order assigning reasons.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree

to meet in person i.e. physical mode.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.