

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14412 of 2014

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M/s Friends Traders, D.D. Road, Forbesganj, District Araria, Proprietor Farhat Shabbir, S/o Late Shabbir Alam Resident of D.D. Road, P.O. & P.S. Forbesganj, District Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Executive Officer, Nagar Parishad, Forbesganj, Araria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the State : Mr. Alok Kumar, Advocate
For Respondent No.3 : Mr. Rakesh Kr. Samrendra, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-02-2015

I have heard learned counsel for the petitioner, the State and respondent no.3.

Petitioner seeks direction to the respondent – Executive Officer, Nagar Parishad, Forbesganj, Araria to make payment of amount of Rs.1,41,249/- along with interest, who had supplied 171 hand pumps to the Nagar Parishad, Forbesganj pursuant to the supply order bearing letter no.917 dated 11.07.2013 (Annexure 2).

It is submitted that 90% of the total amount has already been paid but the aforesaid amount of 10% is not being paid to the petitioner by the respondent Nagar Parishad. Learned counsel submits

that it has nowhere been stated by them that the supplied articles are not up to the mark. It is also contended that supplies have been made on 10.07.2013 itself.

Counter affidavit has been filed on behalf of the Nagar Parishad appending therewith copy of the report of the enquiry committee constituted by the Nagar Parishad Board, which had found out with certain discrepancies. However, admittedly the petitioner's view or response has not been taken by the concerned enquiry committee and the same has been now submitted before the Nagar Parishad Board which is going to take final decision in the matter.

In above view of the matter, this writ application is being disposed of with a direction to the Nagar Parishad Board to take a decision in the matter only after granting reasonable opportunity to the petitioner as supplies were made long back and for which 90% amount has already been paid by the Nagar Parishad and admittedly the enquiry committee has not sought the views of the petitioner. Such decision should be taken in accordance with law not only dealing with the issues raised by the enquiry committee but also the issues which would be raised by the petitioner before them as the petitioner claims that in the enquiry report the standard/quality of the supplied articles has not been disputed. Such decision should be taken expeditiously preferable within two months from the date of

receipt/production of a copy of this order before the respondent no.3,
the Executive Officer, Nagar Parishad, Forbesganj, Araria who will
immediately transmit the same to the Nagar Parishad, Board.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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