

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1608 of 2013

IN

Civil Writ Jurisdiction Case No. 10080 of 2012

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Santosh Kumar S/o Sri Tribuhuwan Prasad, The Proprietor Of M/S Bishnu Tent House Dumra Road, P.S. And District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Patima S. Verma Do Not Know, At Present Posted As District Magistrate, Sitamarhi
3. Sri Niraj Bhagat Son Of Not Known, The Then Incharge Officer Of Strong Room - Cum - Counting Cell, Sitamarhi
4. Sri Avinash Chandra Son Of Not Known, At Present Posted As Deputy Election Officer, Sitamarhi
5. Sri Niroj Bhagat, At Present Posted As Nodal Officer, E.V.M. Cell, Sitamarhi

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 09-03-2015

The present contempt application is filed asserting the non-compliance of the order dated 17.07.2012 passed in C.W.J.C. No.10080 of 2012 whereby and whereunder the aforesaid writ application of the petitioner was disposed of with direction to the concerned respondent responsible for payment of the amount of bills of the petitioner, to examine his/its bills in the light of work done by him/it and ensure release of admissible amount of the bills to the petitioner positively within three months from the date of receipt/production of a copy of this order, if necessary, by arranging fund for the same, failing which the said respondent shall be liable to



pay an interest on the amount, at the rate of 12% compoundable yearly, from his own pocket. In case, the said respondent finds that the amount of bill or any part thereof is not payable to the petitioner, he shall communicate the same to the petitioner in specific terms, assigning reasons thereof, within that very period. In that event, petitioner shall be at liberty to seek his remedy in accordance with law before an appropriate forum and claim an adjudication in respect of his entitlement of the said amount with interest.

Learned A.C to G.P. 6 submits that in compliance of the order dated 17.07.2012 passed in C.W.J.C. No. 10080 of 2012, petitioner submitted the bill of Rs. 5,29,795.00 and the same was verified and it was found that according to the work order, Rs. 50,033/- was sanctioned by the competent authority. After deduction of sale tax and income tax, net amount of Rs. 42,774.00 has already been paid to the petitioner. The claim of the petitioner regarding rest amount of Rs. 4,79,762.00 is found not payable, as the same was without work order, which would appear from paragraph no.13 of the show cause filed on behalf of the opposite party no.4 on 02.07.2013.

In view of the above submission, since the order under contempt has already been complied by opposite party, no further action is required to be taken in this case. Accordingly, this contempt application is disposed of, as liberty has already been given

to the petitioner in the order under contempt to seek his remedy in accordance with law before an appropriate forum in the event amount of bill or any part thereof is not found payable to the petitioner.

(Rajendra Kumar Mishra, J.)

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