IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1432 of 2015

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M/s Hindustan Tent House, Choukhandi Road Sasaram , through its pr4oprietor Md. Saffi son of Wasi Ahmad, resident of Madarsa Road Town PS- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar Patna.
2. The District Magistrate cum District Election Officer Aurangabad.
3. The Superintendent of Police Aurangabad.
4. The Deputy Election Officer Aurangabad.
5. The Chief Election Officer, Bihar Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Md. Khurshid Alam
For the Respondent/s : Mr. Gp19- Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

4 27-07-2015 Heard counsel for the petitioner and the State.

The petitioner is proprietor firm engaged in supply of tent, chair, table etc. to the customers on contract/order. During the last General Parliamentary Election held in 2014, a short tender notice was issued by respondent. The petitioner claims to have been selected for supply of articles. After completion of the election process, he is stated to have submitted bills for payment thereof. Only part payment was made to the petitioner. A sum of Rs. 2 lakhs was only paid to the petitioner as advance money. Since the respondents did not pay the legitimate dues of the petitioner, the present writ petition has been filed. The petitioner also questions the deduction of VAT amount and income tax amount from the bills.

By order dated 16.02.2015, this Court on a prayer made by the petitioner permitted to withdraw relief No. 1 (i) and 1(iii) which relate to the challenge against deduction of VAT and Income Tax against the bills submitted by the petitioner. The grievance of the petitioner can be appreciated from the pleadings which have been made in paragraph No. 9 and 10. It has been urged that the petitioner in the light of diverse certificate issued by the authorities, is entitled to receive the entire payment against the bill(s) submitted by the petitioner.

A counter affidavit has been filed on behalf of the respondent Nos. 2 to 4 wherein a stand has been taken that on scrutiny of the bills, the petitioner was found entitled to payment of a sum of Rs. 18,53,470/-. Annexure-D has been annexed in support thereof which is the consideration of the claim of the petitioner by the respondent. After deducting the VAT @ 13.5% and In-come Tax @ 2.06 % as also the advance money in the sum of Rs. 2 Lakhs already paid to the petitioner, a sum of Rs. 13.65,071 was found payable to the petitioner which has already been sanctioned inasmuch as crossed cheque in favour of the petitioner has also been drawn. The petitioner may receive the same from the office or the same can be mailed to the petitioner.

On consideration of the rival consideration, it is found the epicentre of the dispute between the parties correctness of the bill(s). On the one hand, it has been claimed by the petitioner that he is entitled for payment of the entire bill amount whereas respondents have stated that on verification/scrutiny the petitioner was found entitled for payment of a sum of Rs. 18 lakh and odd amount only. A dispute, like this, in my opinion, cannot be appreciated in writ jurisdiction of this Court while exercising power of judicial review. This is a matter of settlement of account/bills between the parties. This being the position, this Court declines the relief as prayed in the writ petition.

Petitioner is so advised may invoke the other remedy as may be available to the petitioner in law.

The writ petitioner is dismissed.

(Kishore Kumar Mandal, J)

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