

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3450 of 2015

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Arun Kumar son of Late Ramgopal Mahensaria, Proprietor M/S Arunalay
Resident of E-107, Raj Kishori Complex, Mulchand Path, Chitragupta
Nagar, Kankarbagh Patna-800020

.... Petitioner

Versus

1. The State of Bihar,
2. The Principal Secretary (Gramin Vikash), Rural Development, Govt of Bihar, Patna,
3. The Deputy Development Commissioner Rural Development Bhojpur Bihar,
4. The District Magistrate Bhojpur Bihar,

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Dayal, Advocate

For the State : Mr. Mahtab Alam, AC to SC 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 20-03-2015

Learned counsel for the petitioner is permitted to make necessary correction with respect to description of respondent no. 2 in the cause title.

I have heard learned counsel for the petitioner and the State.

In view of the nature of the order which is going to be passed in this case, this writ application is being considered without waiting for filing of the counter affidavit on behalf of the State respondents.

Petitioner seeks direction to the respondent authorities to pay the admitted dues of Rs. 2,45,441 with interest.

It is submitted on behalf of the petitioner that in view of the decision communicated by the State Government to all the Deputy



Development Commissioners, order was given to the petitioner and he had supplied the articles which stand described in Annexure 1, which is a payment order dated 20.07.2007. Learned counsel further submits that a total amount of Rs. 5,78,774/- was to be paid by the respondents out of which a sum of Rs. 3,33,333/- has been paid but the remaining amount has remained unpaid without any rhyme or reason for the last 6-7 years.

If the claim of the petitioner is correct then it is very unfortunate situation in which even after supply of the materials the admitted dues have been held up by the State respondents.

In such a situation, this writ application is being disposed of granting liberty to the petitioner to approach the respondent no. 2, i.e., the Principal Secretary, Rural Development, Government of Bihar, Patna, by filing a representation along with a copy of this order. On such a representation being filed by the petitioner, the respondent no. 2 would be obliged to examine the matter and ensure payment of the unpaid admitted amount to the petitioner, if any, within a period of six weeks from the date of filing of such representation. If it is found that without any rhyme or reason the balance amount was not paid then in such case the petitioner would also be entitled for simple interest on the unpaid amount at the rate of 10% per annum to be calculated from the date it becomes due till the date of payment of the same. It is

further made clear that if such order was placed to the petitioner and the materials have been supplied then non-availability of fund cannot form a ground for non-payment of the balance amount after supply of the requisite materials.

(Dr. Ravi Ranjan, J)

SC/-

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