

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1191 of 2014

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M/S.F.F. Info. Com. through its Proprietor Rishi Kapoor, son of late Brij Mohan Prasad, office at Basement of Pawanputra Apartment (Behind Adision Arcade) Fraser Road, Patna and resident/residing at Brij Mohan Kunj, Near Radha Cyber, Bazar Samiti, Maingate, Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The District Magistrate, Sitamarhi, District Sitamarhi
4. The Block Development Officer, Riga Block, District Sitamarhi
5. The Block Development Officer, Magorganj Block District Sitamarhi
6. The Block Development Officer, Uppi Block, District- Sitamarhi
7. The Block Development Officer, Bairganja, District Sitamarhi
8. The Block Development Officer, Bathnaha Block, District Sitamarhi
9. The Block Development Officer, Sursand Block, District- Sitamarhi
10. The Block Development Officer, Pupari Block, Pupari, District Sitamarhi
11. The Block Development Officer, Nanpur Block Nanpur District Sitamarhi
12. The Block Development Officer, Bokhara Block, Bokhara, District Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate

For the Respondents: Mr. Mritunjay Kumar, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

The present writ petition has been filed for quashing the letter no. 2480 dated 14.09.2013 (Annexure-1) and letter no. 2784 dated 09.10.2013 issued under the signature of Block Development Officer, Riga whereby and whereunder the petitioner has been directed to return the amount of advance as the works were subsequently to be completed/done through the District Level Authority; for quashing the letter no. 1456 dated 05.12.2013 issued by

B.D.O. Sursand whereby and whereunder the petitioner has been directed to refund the advance amount to the tune of Rs. 2,00,000/- treating the agreement infructuous for the above reason, and for connected reliefs.

2. Learned counsel for the petitioner submits that the petitioner was paid advances for conducting certain works relating to Socio-Economic and Caste Census 2011 in the district of Sitamarhi for which agreements were subsequently entered into for different blocks of the District, between the petitioner and concerned Block Development Officers variously between 02.09.2013 and 05.09.2013 (Annexure-5 series). It is the claim of the petitioner that after receiving the advances and Proforma (A, B, C, D and E) for various blocks for carrying out the works, the petitioner commenced the works and completed a substantial part of the works and submitted the details in the prescribed Proforma by 28.08.2013 to the concerned Block Development Officer. Based on data collected by the petitioner, the soft copy was to be provided on the Compact Disc (CD) for printing, but before that was done, the impugned order dated 14.09.2013 cancelling the work order was passed and the petitioner was directed to repay the amount of advances received by it. It is further stated that the petitioner has approached the District Magistrate, Sitamarhi for redressal of its grievances in terms of the

representation dated 24.10.2013 which is still pending.

3. Learned counsel for the respondents, on the other hand, submits that the agreements have been cancelled within a short period of less than two weeks by order dated 14.09.2013 and it is conceivable that the petitioner would have collected the data within such time. Moreover, it is submitted on the basis of paragraph 14 of the counter affidavit filed on behalf of respondent no. 9 that the agreement of work and expenditure on it would start with the soft copy but since the soft copy itself was not provided to the petitioner, its claim for the work done is not admissible. It is further submitted that there was ample justification for cancellation of the agreements in view of the financial rules requiring the procedure of tender to be followed in respects of works exceeding the value of Rs. 1,00,000/- as in the present case.

4. Having regard to the stands of the parties, this Court is of the view that the ends of justice will be met by directing the District Magistrate, Sitamarhi to consider and dispose of the representation dated 24.10.2013 said to have been filed by the petitioner, if still pending, within a period of eight weeks from the date of receipt/production of a copy of this judgment. The District Magistrate shall examine the claim of the petitioner and grant an opportunity of hearing before disposing of the representation in

accordance with law. In case it is found that the petitioner has completed any work in terms of the agreement prior to the cancellation order dated 14.09.2013, he shall ensure that payment to that extent be made to the petitioner without undue delay.

5. In the meantime, operation of the impugned letter no. 1456 dated 05.12.2013 relating to Sursand Block shall remain stayed until disposal of the petitioner's representation.

6. The writ petition stands disposed of.

(Vikash Jain, J)

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