

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13925 of 2014

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1. Manoj Kumar Bharti Son of Hari Prasad Resident of Village - Manihari, P.S.-
Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Katihar.
3. The Chairman, Nagar Panchayat Manihari, Katihar.
4. The Executive Officer, Nagar Panchayat Manihari, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Rajenjdra Prasad, Sr. Adv.
Mr. Vinod Shanker Modi, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Manoj Kumar Singh, Adv.
For the Respondents : Mr. Jawahar Pd. Karna AAG-4
Mr. Samir Kumar, AC to AAG-IV.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-03-2016

Heard learned counsel for the petitioner and the
respondents.

2. The present writ petition has been filed for a
direction to the respondents to pay the petitioner's admitted
dues amounting to Rs. 11,97,000/- (Eleven Lacs Nineteen Seven
Thousand) with interest on account of supply of small home
dustbin to the Nagar Panchayat Manihari, Katihar; for quashing
the notice contained in letter no. 192 dated 23.07.2014 issued
under the signature of Executive Officer, Nagar Panchayat,
Manihari, Katihar (Annexure-13), and to withdraw the supplied
dustbin.



3. Learned counsel for the petitioner submits that pursuant to the supply order dated 10.10.2013 (Annexure-7) requiring the petitioner to supply 7500 dustbins (10 litres capacity), the petitioner initially supplied 4000 dustbins which was received by the Nagar Parishad (Annexure-8). Against such supply, the petitioner was paid an advance of Rs. 19,95,000/- through two cheques but the remaining amount of Rs. 11,97,000/- remains outstanding. It is therefore submitted that the impugned order dated 23.07.2014 has been arbitrarily passed by which the petitioner has been required to remove the supplied dustbins failing which an amount of Rs. 200/- shall be charged to the petitioner.

4. Learned counsel for the respondents, on the other hand, relies on the counter affidavit to submit that the petitioner has acted in collusion with the then Executive Officer. The supply order was issued without the pre-requisite issuance of a tender required in case of supply involving more than Rs. 1,00,000/- as in the present case. It is further submitted that the petitioner appears to have been operating through a fake firm having no existence and has acted in connivance with the then Executive Officer for obtaining the supply order without following the basic procedures and without even deposit of any security money.

5. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in

the matter which clearly involves disputed questions of fact. In such circumstances, this Court would not ordinarily exercise its extraordinary writ jurisdiction, particularly when the respondents have raised a plea of connivance on the part of the petitioner in obtaining the supply order.

6. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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