

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.795 of 2012

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1. Gauri Shankar Azad, Shahsi Complex, Exhibition Road, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Darbhanga
4. The Darbhanga Municipal Corporation through the Municipal Commissioner, Darbhanga
5. The Municipal Commissioner, Darbhanga Municipal Corporation

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. J.S. Arora, Adv.
Mr. Ranjan Kumar Sharma, Adv.
For the Respondent/s : Mr. Kumar Sachin, GP-24
For the Corporation : Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 05-01-2016 Heard Mr. J.S. Arora, learned counsel for the petitioner and
Mr. Bindhyachal Rai, learned counsel for the Corporation.

The petitioner prays for appropriate direction to the authorities of the Darbhanga Municipal Corporation to make payment of the admissible dues to the petitioner which according to him is quantified at Rs. 25,53,352/- in respect of the materials supplied by the petitioner pursuant to the order passed by the Municipal Commissioner dated 22.5.2009 present at Annexure-2.

The grievance of the petitioner is that it is pursuant to the request made by the Municipal Commissioner and at the rate approved by him, that the petitioner made supplies of materials,

copies of which is placed at Annexure-3 series way back in the year 2009 and since thereafter he is running around for his payment.

A counter affidavit has been filed by the Corporation in which they have taken refuge to an F.I.R. instituted on this issue. Today a supplementary affidavit has been filed by Mr. J.S. Arora appearing for the petitioner enclosing an order passed in Cr.W.J.C. No. 877 of 2014 whereby the F.I.R. in question has been quashed in so far as it relates to the petitioner with liberty to the petitioner to go for a negotiative settlement.

Mr. Arora learned counsel relying upon the order passed in the Cr.W.J.C. No. 877 of 2014 has submitted that the authorities of the Corporation may be appropriately directed to make payment of the admissible dues bearing in mind the rates approved vide order passed by the Municipal Commissioner. The order passed by the Municipal Commissioner is placed at Annexure-2.

Although Mr. Bindhyachal Rai has tried to raise issues on the quality as well as the rates of the goods supplied but in my opinion in view of the indent placed by the Municipal Commissioner, which also contains the approved rates for the supplies, the Municipal Commissioner is under an obligation to consider the claim of the petitioner and dispose of the same and

make payment for the supplies made by the petitioner, as found admissible. In case such of the claim of the petitioner which is found not admissible, the same be disposed of by a speaking order. It goes without saying that the claim of the petitioner as well as the payment in respect of the admissible dues be made to the petitioner within a maximum period of 3 months from the date of receipt/production of a copy of this order.

The writ petition is disposed of.

(Jyoti Saran, J)

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