IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8162 of 2014

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1. Indradeo Singh Seva Sansthan, Lilawati Niwas, Praduman Shah ka Hata, Ramgarhia More, P.S. Town, District - Bhojpur, Ara through its Secretary Rajgaurav son of Chaturbhuj Prasad resident of Mohalla - Lilawati Niwas, Praduman Shah Ka Hata, Ramgarhia More, P.S. Town, District - Bhojpur, Ara

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The District Magistrate, Khagaria
3. The District Health Society, Khagaria through Civil Surgeon - cum - Member Secretary, District Health Society, Khagaria
4. The Civil Surgeon - cum - Member Secretary, District Health Society, Khagaria
5. The Deputy Superintendent Sub - Divisional Hospital, Gogri District Khagaria
6. The Deputy Superintendent Sub - Divisional Hospital, Beldaur District Khagaria
7. The Deputy Superintendent Sub - Divisional Hospital, Parbatta District Khagaria
8. District Program Manager, District Health Society, Khagaria

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ram Kumar Singh
For the Respondent/s : Mr. Mithilesh Kumar Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-02-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to make full payment of work done by the petitioner society after quashing the order of deduction in the work bill of power generator.

3. Learned counsel for the petitioner submits that 50% deduction out of the bill for power generator has been deducted, wrongly applying the order of the Civil Surgeon-cum-

Member Secretary, State Health Society, Khagaria as contained in memo no. 759 dated 14.05.2013 inasmuch as the petitioner has duly established the additional DG set in the concerned Hospitals.

4. Learned counsel for the respondent State submits that the deduction of 50% from the power generator bill of the petitioner has rightly been deducted as it had provided only one Silent DG Set at the relevant time. The agreement between the parties clearly stipulated that the petitioner was required to install and operate two Silent DG Sets at the concerned Hospitals which was however not done for the period in question. It is further submitted with reference to Annexure-B of the counter affidavit filed on behalf of the respondent no. 4, the detailed reasons have appropriately been assigned for the deduction made from the bills of the petitioner, which have not been disputed as no rejoinder has been filed thereto.

5. Having heard the parties and on consideration of the materials on record, this Court does not find merit in the writ petition. There is no clear averment in the writ petition whatsoever to indicate that the petitioner had installed two generator sets as required in terms of the agreement. On the other hand, it is admitted in para-11 of the writ petition that the additional DG Sets were established only after issuance of memo no. 759 dated 14.05.2013 aforesaid. This Court is therefore of

the view that no fault can be found with the respondents for having made deduction 50% bills of the petitioner relating to power generator.

6. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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