

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14023 of 2014

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M/s Friends Traders, D.D. Road, Forbesganj, District - Araria, Proprietor Farhat Shabbir Son of Late Shabbir Alam Resident of D.D. Road, P.O.& P.S. Forbesganj, District - Araria

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
3. The Executive Officer, Nagar Parishad, Forbesganj, Araria

.... Respondents

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Appearance:

For the Petitioner : Mr. Rajesh Kumar, Advocate

For the Respondents : Mr. Dhurjati Kumar Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2016

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 Respondent authorities to make payment of an amount of Rs. 15,75,670/- with interest to the petitioner who had supplied 200 sets of 250 Watt Sodium Vapour Light with accessories and installation to the Nagar Parishad, Forbesganj, pursuant to the supply order bearing letter No. 943 dated 16.07.2013 (Annexure-2) issued under the signature of the Executive Officer, Nagar Parishad, Forbesganj (Respondent No. 3) which emanates from Advertisement No. 727/13-14 dated

19.06.2013.

3. It is submitted by the petitioner that the entire quantity of 200 sets of Sodium Vapour Lights has duly been supplied and installed in terms of the work order and for which final bill No. 34 dated 16.09.2013 (Annexure-8) has been raised, but no payment whatsoever has been received till date.

4. An inspection was carried out according to which $120+6=126$ Sodium Vapour Lights appear to have been duly installed. With regard to the remaining 74 Sodium Vapour Lights, the supply thereof is admitted in terms of the Respondent's letter No. 913 dated 07.10.2015 (Annexure-19) which the petitioner was required to take from the respondents' store and to install the same. Such installation of the said 74 Sodium Vapour Lights was duly completed as evident from the installation chart dated 10.10.2015 (Annexure-21). It is therefore, submitted that the petitioner has duly performed the entire work and is entitled to the payment of Rs. 13,56,775/- (Annexure-22) with interest to be added thereon.

5. Learned counsel for the State and for the Nagar Parishad have been heard.

6. Having regard to the nature of the grievance of the petitioner, it is directed that the Executive Officer, Nagar Parishad,



Forbesganj, Araria (Respondent No. 3) will carry out inspection with regard to 74 numbers of Sodium Vapour Lights claimed to have been installed by the petitioner as aforesaid. The entire claim of the petitioner shall accordingly be considered and disposed of, ensuring payment to the extent found due to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this judgment. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's claim shall be disposed of by a speaking order in that regard.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

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