IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14079 of 2012

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1. N.C.Jha & Associates through its sole proprietor Navin Chandra Jha son of Late Vishwambhar Jha, resident of Vishwa Kunj, Ishakchak Police Station Ishakchak District Bhagalpur
2. Navin Chandra Jha son of Late Vishwambhar Jha, resident of Vishwa Kunj, Ishakchak Police Station Ishakchak District Bhagalpur

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna
3. The Chairman cum Managing Director, Bihar State Industrial Development Corporation Ltd., Indira Bhavan, R.C. Singh Path, Patna
4. The Executive Director, Bihar State Industrial Development Corporation, Indira Bhavan, R.C. Singh Path, Patna
5. The Finance Officer, Bihar State Industrial Development Corporation Ltd. Indira Bhavan R.C. Singh Path Patna 800001
6. The General Manager, Bihar Spun Silk Mills, Bahadurpur, Bhagalpur

.... Respondents

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Appearance :

For the Petitioners : Mr. Binodanand Mishra,
Mr. Alok Kumar,
Mr. Prashant Sudhakar, Advocates

For the Resp. No. 2 : Mr. Rajeev Shekhar, AC to GA-13

For the Resp. Nos. 3 to 6: Mr. Rajeev Ranjan Prasad,
Mr. Rajendra Kumar,
Mr. Sudhanshu Trivedi,
Mr. Abhishek Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-08-2016

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

2. The present writ petition has been filed for quashing the reasoned order passed in memo no. 366 dated 20.10.2011 in connection with the bills submitted by the petitioner; for quashing the order dated 17.11.2011; and for connected reliefs.

3. Learned counsel for the petitioner submits that as against its

claim of Rs. 1,91,059/- towards professional fee for carrying out valuation of the land and building of Bihar Spun Silk Mills, Bhagalpur and submitting the valuation report, the petitioner has been paid only Rs. 27,700/- pursuant to the impugned order dated 17.11.2011 (Annexure-5). It is submitted that the petitioner being a valuer registered under the provisions of the Wealth Tax Act is entitled to be paid according to the Schedule of Fees enumerated in Rule 8C of the Wealth Tax Rules, 1957.

3. Learned counsel for the respondents, on the other hand, opposes the writ petition, submitting that the provisions of Rule 8C of the aforesaid Act are applicable only for valuations made for the purposes of the Wealth Tax Act. In any event, the Schedule of Fees merely prescribes an upper limit for the fee payable to a valuer. It is further submitted that no written agreement had been entered into for the amount of fee payable to the petitioner, rather an oral understanding between the parties had been reached to the effect that the professional fee of the petitioner would be paid at the rate being paid by the Head Office of the respondent no. 6 to other valuers carrying out similar assignments.

4. Having heard the parties and on careful consideration of the materials on record, this Court is of the view that the impugned orders do not require interference. It is not in dispute that there was no written agreement between the parties fixing the professional fee of the petitioners at the time when the petitioners were given the assignment to carry out the valuation. The specific stand of the respondent nos. 3 to 6 in paragraph 9 of the counter affidavit that there was an oral understanding that the

petitioners' professional fee would be paid at the rate being paid by the Head Office to other valuers for similar work, has not been controverted by the petitioner as no rejoinder has been filed. Moreover, the nature of relief sought by the petitioner amounts to a mere money claim which this Court is not inclined to entertain in its extraordinary writ jurisdiction.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	AFR
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