

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19723 of 2012

M/s Moti Electricals through its Proprietor Dayanand Singh Moti son of Late Gang Bahadur Singh, resident of Goutam Nagar, Ward No. 8 at P.O. P.S. and District Saharsa

.... .... Petitioner

Versus

- 1. The State of Bihar through Secretary Home, Government of Bihar, Patna
- 2. District Election Officer cum District Magistrate, Saharsa
- 3. Deputy Election Officer, Saharsa
- 4. Chief Election Officer cum Election Commissioner Bihar, Patna – 7, Mangloes Road, Patna

.... .... Respondents

Appearance:

For the Petitioner : Mr. Anil Kumar Mukund, Advocate.  
Mr. Purnendu Keshav, Advocate.  
For the Respondents : Mr. Kamlesh Prasad Yadav, AC to AAG-14

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-10-2016

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 payment of Rs. 9,53,820/- to the petitioner together with interest with respect to the outstanding bills for the electric work done by him during Bihar Legislative Assembly Election (Second) of 2005 in the district of Saharsa.

2. According to the petitioner who is a licensed Government Contractor, he was assigned electrical works by the District Election Officer, Saharsa for strong rooms, counting halls, parking lots etc., which were duly completed by him and for which he submitted bills



amounting to Rs. 10,03,820/-. However, the amount claimed remained outstanding except for the advance of Rs. 50,000/- earlier received. As a result of diligent persuasion by the petitioner for payment, he finally received the amounts of Rs. 23,466/- and Rs. 68,842/- respectively by separate cheques, both dated 26.11.2012. The petitioner is aggrieved by reason of non-payment of a substantial amount of its bills. It is also submitted that the respondents have not disclosed the rate at which payment was made and not even indicated what the approved payment rate was. Moreover, the two delayed payments ought to have been made together with interest.

3. By order dated 29.09.2016, the respondents had been required to file a supplementary counter affidavit with appropriate particulars and the basis for payments made, but neither has the supplementary counter affidavit been filed nor are the respondents represented today when the matter is called.

4. Having regard to the nature of the grievance of the petitioner, in the interest of justice, this writ petition is disposed of with the consent of the petitioner, granting it liberty to approach the District Election Officer-cum-District Magistrate, Saharsa (Respondent No. 2) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from

the date of receiving the petitioner’s representation. 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 representation 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)**

Md. Ibrarul/Chandran

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