

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9560 of 2015

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Pradeep Kumar, Son of Late Ram Gopal, Mahensaria Proprietor of Shri Durga Printing Works, office at C-201, Rajkishori Complex, Mulchand Path, Chitragupta Nagar, Kankarbagh Patna.

.... Petitioner/s

Versus

1. The Principal Secretary, Department of Education, Govt of Bihar, Patna.
2. The Managing Director, Bihar State Text Book Publishing Corporation, Budh Marg, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Dayal, Advocate.
For the Text Book Corporation: Mr. Mukesh Kumar, Advocate.
For the State : A.C. to S.C.21.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-01-2016

Heard learned counsel for the parties.

The petitioner is aggrieved by non-payment of his due amount against supply of 1,64,000/- books as per the order placed by the respondent no. 2.

Learned counsel for the petitioner submits that after having supplied the books and respondent no. 2 having received the same, now payment of lesser amount is sought to be made and some dispute raised with regard to the size of the books.

Learned counsel for the respondent no. 2, who has filed a supplementary counter affidavit submits that as per the materials brought on record by the petitioner himself in the writ petition, it is obvious that the size of the books have been mentioned in the receipt granted by respondent no. 2 which goes to show that it was less than what the order was placed for.

However, statement has been made in the counter affidavit and reiterated before the Court that for whatever amount the petitioner is found entitled based on the size of the books delivered by him, payment shall be made.

Learned counsel for the petitioner submits that he is agreeable to receive the full amount and liberty may be given to him to agitate the matter before the authority with regard to any remaining payment or with regard to the size of the books in accordance with law and the terms and conditions of the bid document/agreement.

In view of the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 2 to make admissible payment to the petitioner for the books supplied by him in accordance with the bid document/agreement within four weeks from the date of production of a copy of the order before respondent no. 2. With regard to any dispute or grievance of the petitioner, he is at liberty to represent before the respondent no. 2 within two weeks from the date of receiving payment. If such representation is filed with a copy of the order, the respondent no. 2 shall look into the same and after verification pass a reasoned order within the next two weeks.

(Ahsanuddin Amanullah, J.)

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