IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1511 of 2016

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M/s Mukesh Kumar a proprietorship firm through it's proprietor Mukesh Kumar Son of ramesh Kumar having its plae of business at 1st floor, Chaudhary Market, Ashok Raj Paqth, P.S. Pirbahore, Dist.-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna
2. The Agriculture Produce Commissioner, Bihar, Patna
3. The Bihar Agricultural Management & Expansion Training Institute, near CRPS, P.S. Bihar Veterinary College, Jagdeo Path, Patna through its Director
4. The Director, Bihar Agricultural Management & Expansion Training Institute, near CRPS, P.S. Bihar Veterinary College, Jagdeo Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.

For the Respondent/s : Mr. Prabhakar Jha, GP-27
Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-05-2017

Heard learned counsel for the parties.

In this case, the petitioner is challenging the letter bearing Ref. No. 64(i) Bameti, Patna/2014-15/1546 dated 20.3.2015, whereby and whereunder, the payment of bill against supply of trolley bags has been suspended on the ground that the trolley bags were of substandard quality and made a prayer for payment of Rs. 11,78,001/- to the petitioner.

The Bihar Agriculture Management and Expansion Training Institute, Patna had organized a symposium, wherein, for giving the gift, the Organizer was to purchase 500 trolley bags with particular specification, being Nylon PVC 1000 D 20" size trolley luggage (four wheel aluminum trolley). They have issued a very short term tender notice bearing NIT No. PR 3275 (ni.ni.) 14-15 dated 8.7.2014. The petitioner also submitted his closed tender and ultimately was selected for supply of 300 pieces of trolley bags. Accordingly, the trolley bags were supplied but later on some of the Hon'ble M.L.As. have made a complaint that the trolley bags were of poor quality, not according to the specification of the NIT. On that account, the payment of the said amount has been suspended.

This Court had earlier adjourned the case and indicated to the State counsel that the State has two options, either to return the entire trolley which were supplied by the petitioner, if it has been consumed, now they cannot turn around and make a complaint that the trolleys supplied were of substandard quality. If the trolleys were of substandard quality, then the petitioner was required to be called upon and all the bags should have returned but, instead of the same, they have consumed the trolley bags and now they cannot suspend the payment of bill of the trolley bags.

In that view of the matter, this Court directs the Bihar Agricultural Management and Expansion Training Institute to make payment of the bill of supplied trolley bags to the petitioner within a period of six weeks from the date of receipt/production of a copy of this order failing which the bill amount will carry compound interest at the rate of 18%.

This application is, accordingly, allowed to the aforesaid extent.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2017
Transmission Date	NA