

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1430 of 2016

IN

Civil Writ Jurisdiction Case No. 5012 of 2013

- =====
1. The State Election Commission, Bihar Patna through its Secretary
 2. Commissioner, State Election Commission, Bihar, Patna
 3. Secretary, State Election Commission, Bihar, Patna

.... Appellant/s

Versus

1. Ranjit Kumar Ghosh Son of Late Ashutosh Gosh Resident of Bhikhna Pahari,
P.S. Kadamkuan, District - Patna Proprietor of Bihar Ink Company, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Shrivastava, Adv
Mr. Sanjeev Nikesh, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-08-2017

Re:-Interlocutory Application No. 5323 of 2016

The Interlocutory Application has been filed for
condonation of delay in filing of the appeal.

On the ground mentioned in the Interlocutory
Application, the delay in filing of the appeal is condoned.

Accordingly, the Interlocutory Application stands
allowed and disposed of.

Re:-Letters Patent Appeal No. 1430 of 2016

Having heard learned counsel for the appellant at



length, we find that with regard to the total supply of 2,70,000 phials the dispute was only with regard to 28,644 and taking note of the aforesaid, learned Writ Court issued the following directions:-

“This Court has failed to appreciate as and when according to F.I.R itself, of the 2,70,000 phials supplied by the petitioner the dispute was reduced to mere 28,644 phials, then what has delayed the payment of the remaining phials by the Commission. In the admitted circumstances and without prolonging the dispute any further, I deem it fit and proper to direct the Commissioner, State Election Commission to consider the grievance of the petitioner and make payment of the amount found admissible to the petitioner and since the matter is pending for last 5 years an expeditious disposal of the grievance preferably within 3 months from the date of receipt/production of a copy of this order would serve the purpose. It is made clear that if the admissible payments are not made to the petitioner within 3 months from the date of receipt/production of a copy of this order, it would accompany an interest calculated @ 10% per annum on the pending dues, payable from the date the amount became due until the date of payment. To expedite the process, the petitioner would be well advised to file his claim along with supportive papers which would facilitate the payment.”

It is admitted position as is evident from the records that the dispute is pending for more than five years and the learned Writ Court has only directed for making payment of the admissible dues which is not in dispute. That being the position, we see no reason to make any indulgence into the matter. However, the amount admissible, shall now be paid within a period of three months



from today and then only the penal provision for payment of interest would come into play.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
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