

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13920 of 2016

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1. M/s Shiv Ganga Press, having its office at Prem Market, Gudri Road, District Hajipur, Vaishali through its Proprietor Shiv Narayan Rai
2. Shiv Narayan Rai Son of Late Daroga Rai, Proprietor M/s Shiv Ganga Press Resident of village - Gauspur Ijara, Anchal - Hajipur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Electoral Officer Election Department, Mangles Road, Patna
2. The Chief Electoral officer, Bihar
3. The District Electoral officer - Cum - District Magistrate, Vaishali
4. The Additional Collector, Vaishali
5. The Deputy Electoral Officer, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind

For the State : Mr. M.K. Upadhyay, Ac to GP-

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-07-2017

Heard learned counsel for the petitioners and learned counsel for the State.

In the present case, claim has been made by the petitioners for payment of Rs. 14,02,140 towards printing work done by them along with interest of 18% per annum.

Petitioners are running a printing press having its office at Prem Market, Gudri Road, Hajipur (Vaishali). District Election Section, Vaishali Collectorate, Hajipur has invited tender for printing of various. As petitioners offered lowest rate, selected



for printing of various works accordingly vide letter no.1514 dated 27.10.2014 the Deputy Electoral Officer, Vaishali directed petitioners to print 1,50,000/ quantity of Form-6, 7, 8, 12, 13, 14, 15 and 50,000 of Form 8 “Ka”. After printing materials were supplied on 30.10.2014 and respondents were satisfied with the work. Petitioners accordingly placed the bill of Rs.8,09,500/- on 25.11.2014.

Again the Deputy Electoral Officer, Vaishali vide letter no.1551 dated 28.11.2014 directed the petitioners to print 40,000 quantity of Form-6, 10,000 quantity of Form-7 and 30,000 quantity of Form 8 which were printed by the petitioners. Petitioners raised the bill of Rs.94,480/-.

Again petitioners were directed to supply 1,00,000/- numbers of Form-6, 50,000 nos. of Form 7 and 8 each accordingly he carried out the printing work, submitted bill of Rs.2,36,200/-. Again the same Officer vide letter no.281` dated 3.6.2015 directed the petitioners to print and supply 50,000 nos. of Forms 6,7,8,12,13,14, 15 and 10,000 quantity of Form 8 “Ka” which were supplied, and placed the bill of Rs.2,61,960/-, in total, petitioners placed the bill of Rs.14,02,140/-. As petitioners approached the authorities from time to time for payment of their outstanding bills, but could not get the amount, ultimately they



have been compelled to file the present writ petition.

In the counter affidavit, the State has denied the plea of the petitioners but it has been recorded in paragraph 8 of the counter affidavit that a committee was constituted to examine the claim of the petitioners recommended for payment of Rs.13,89,230/-.

Learned counsel for the petitioners submits that in the counter affidavit nothing has been disclosed for deducting Rs.12,910/- from the claim of the petitioners. Merely, ipsi dixit, State has said that they are entitled to the aforesaid amount. It is not disputed that they have not carried out the work order to the satisfaction of the higher Officers. The quotation which the petitioners had given was accepted by the respondents. It is a matter of mere calculation, for arriving to a right conclusion for payment of the amount, as per calculation, they are entitled to Rs. 14,02,140/-. If respondents are of the view that petitioners are not entitled to Rs.12,910/- they should have assigned the reason or should have given chart of calculation but this has not been done. Respondents have merely stated that the committee has approved the aforesaid amount, it was found that petitioners were entitled to the claim of Rs.13,89,230/-.

Having considered the rival contentions of the parties the



only dispute is left out for small quantity of amount. In the counter affidavit the State has not provided any chart for arriving to a conclusion, when rates are/were fixed for printing and it is matter of only calculation. The State cannot deny for payment of bill amount but if they are of the view that petitioners are not entitled to the amount of Rs.12,910/-, reason should be assigned for deduction.

As it is a very small amount, the petitioners are directed to file detailed application before the competent authority who will be obliged to supply the calculation chart for arriving to a finding of entitlement of payment of Rs.13,89,230/- and it must show and indicate the cause of deduction of amount of Rs.12,910/- and explain in what manner wrong calculation has been made in the bills by the petitioners. If it is found that Rs.12,910 is correct amount then the authority will be obliged to pay the same. Petitioners will be entitled to the interest at the rate of 6% simple interest on principal amount of Rs.13,89,230/-. If the State does not pay the amount within a period of three months from today then petitioners will be entitled to 18% compound interest. If petitioners file representation that should be disposed of within a period of six months from the date of filing of the representation.

With the aforesaid observation and direction this writ



petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.7.2017
Transmission Date	NA

