

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9967 of 2013

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1. Ashok Kumar Keshari S/O Dashrath Prasad, One of the Partner M/S
Sitaria Service Station (Dealer Of Hindustan Petroleum Corporation), Bara
Bazar, P.S. Kotwali, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Revenue Department,
Main Secretariat, Patna
2. The District Magistrate, Munger
3. The Sub Divisional Officer, Munger Sadar, District- Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganpati Trivedi, Sr. Advocate
Mr. Tarkeshwar Prasad Verma

For the State : Mr. Krishna Kant Tiwari, A.C. to S.C. 27

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 18-03-2017 Heard learned Senior Counsel appearing on behalf of the
petitioner and learned counsel for the State.

The present writ application was filed for a direction to the
Respondents to make payment of the admitted dues of the
petitioner which stand to the tune of Rs. 809609/- and interest
accruing thereto which was pending with the Sub-divisional
Office, Sadar Munger for supply of petroleum products on the
basis of the requisitions made by the Nazarath Munger.

Learned Senior Counsel for the petitioner submits that
during the pendency of the present writ application, the admitted
dues of the petitioner have been paid, but the interest which had
accrued thereon has not been paid to the petitioner. He further
submits that the petitioner had taken loan from the bank for
conducting his business operations and, therefore, the bank has



charged interest on the amount due from the petitioner and, consequently, the State is also liable to pay the same as it had caused delay in making such payments.

Learned counsel for the State submits that there is no such provision of payment of interest on any amount dues and, therefore, the same cannot be made.

Having heard learned Senior Counsel for the petitioner and learned counsel appearing on behalf of the State, it appears that the delay in payment was not on account of any fault of the petitioner rather it was on account of laches of the State which should not be saddled on the shoulder of the petitioner.

Accordingly, this Court directs that the petitioner be paid the interest accruing on the amounts due to the petitioner from the date it became due to the date of actual payment at the existing market rate prevailing with the bank at that point of time, the time of payment.

The calculation of the said amount shall be supplied by the petitioner to the Sub-divisional Office at Sadar Munger which shall be paid to him within a period of six weeks thereafter.

With the aforementioned directions, the present case stands disposed of.

(Anjana Mishra, J)

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