

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6643 of 2013

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Munna Tent House, Babunia Road Near K.B. Nursing Home, Siwan-841226 through its proprietor Sri Aiyaz Ahmad

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Siwan
3. The District Election Officer-Cum-Collector, Siwan
4. The Dy. Election Officer, Siwan
5. The Superintendent of Police, Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary, Advocate

For the Respondent/s : Mr. Vivek Prasad, G.P. 9

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 08-04-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The present writ application has been filed for a direction to the respondents to make payment of the admitted dues of Rs. 7,15,488.45/- to the petitioner being the amount towards supply of various tents and sitting items to the respondents during Lok Sabha election in the year, 2009. The claim of the petitioner is that he had submitted all bills for supplying the tents, chairs etc. along with carrier freight, the bills of which are still due.

It is submitted that the work was allotted to him by the respondent on 04.03.2009 at the Collectorate, Siwan in the proper manner and the petitioner having supplied such items, was entitled to payment of his bills. As such, he seeks appropriate



direction for release of the amount due to the petitioner as stated above.

Learned counsel for the State has filed counter affidavit, in which it has been stated that the petitioner has wrongly given a bill amounting to Rs.7,15,488.45/- as estimated dues. It is further submitted that the petitioner is actually entitled to a sum of Rs.1,69,971.00/- only after deducting the applicable taxes. As such, an account payee Cheque No. 142244 dated 06.06.2009 for the amount of Rs.1,69,971/- had been issued in favour of the petitioner but the petitioner failed to receive the same and the said cheque is still lying with the respondents. It is further submitted that the bills of the petitioner are baseless and of highly exorbitant and inflated amount and not actual. Thus, he is not entitled to the rest amount.

Be that as it may, the bills of the petitioner have been seriously disputed by the respondents. The cheque number which was issued earlier must have lapsed as on date. Accordingly, this Court directs that the aforementioned cheque may be revalidated and paid to the petitioner at the earliest preferably within a period of four weeks from today. It is also directed that the petitioner shall be at liberty to approach the authorities concerned alongwith his bills as had been submitted by



him and sit across the table and negotiate payments of the same. The said bills will be paid by the respondents only if it is found to be an order and it is as per the permissible government rates. The said negotiations between the petitioner and the respondents shall be completed within a period of three months from the date of receipt of a copy of this order.

With the aforementioned direction, the application stands disposed of.

(Anjana Mishra, J)

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