IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10732 of 2013

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Bhola Prasad Sinha Son Of Late Narmadeshwar Prasad Resident Of Mohalla Chitragupta Nagar, P.S. Chitragupta Nagar, District- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary-Cum-I.G. Registration, Government Of Bihar, Patna
2. The Inspector General [Registration] Bihar, Patna
3. The District Magistrate-Cum-District Registrar, Muzaffarpur
4. The Assistant District Registrar, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Tiwari, Advocate Mr. Dhananjay Kumar Shahi, Advocate
For the Respondent/s	:	Mr. P.K. Verma, Sr. Adv. AAG -3 Dr. Mankeshwar Tiwari, AC to AAG -3

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-07-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks payment of photo state copy charges for having undertaken and conducted photo copy of records in the office of the Muzuffarpur registry. He thus, seeks unpaid dues of worth Rs. 4,81,694/-.

A counter affidavit has been filed in this case in which the aforementioned amount of dues has been seriously disputed.

In the counter affidavit so filed, it has been submitted that the work of photocopying of the original deed progressed. The agency produced bills for payment at different times and after certification of the above committee which was deputed for making verifications of the photocopies, the payment was made to the agency at the rate of 1.17 per page. Details of the payment have been given in paragrapgh-8 of the counter affidavit.

It is submitted that the Jay Mata Di photocopy centre applied to enhance the rate of the photocopy from Rs. 1.17 per page to Rs. 1.50 per page due to increase in the rates of diesel, paper, labour etc. However, the rates were enhanced to Rs. 1.30 per page and accordingly, the additional payment of Rs. 1,55,519/- was done for photocopy of 24,318 deeds. As such, the total sum of Rs. 9,82,343/- was paid to the petitioner for photocopy of 1,78,940 deeds. It is further submitted in the counter affidavit that thereafter, an audit was done by Deputy Accountant General, Finance (Audit) and it was discovered that a sum of Rs. 20,487.12/- ought to have been deducted as VAT from the payment made to the Vendor but till date that sum has not yet been deducted. Though, the petitioner was informed vide letter no. 589 dated 25.02.2011 to deposit Rs. 20,487.12 in the Government Account through Treasury Challan. Thus, according to the respondents no payment is pending on the part of the respondents.

It is, thus, submitted by learned counsel for the State that the writ application is devoid of merit and is fit to be dismissed.

Thus, apparently, the calculations made by the petitioner are misconceived and cannot be sustained. The writ application cannot be entertained for any disputed account. So far as the disputed part is concerned, the respondents have already paid to the petitioner. As such, the writ application stands dismissed.

(Anjana Mishra, J)

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