

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10081 of 2016

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Suresh Kumar Singh S/o Mukteshwar Prasad Singh, Proprietor of Akhand Jyoti Akshay Urja Shop, Buxar resident of Mohalla-Gajadharganj, Ward No. 11, Basundhara Complex , South Collectorate Road, Buxar, P.S. Buxar Town District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna
2. The Principal Secretary, Energy Department, Government of Bihar , Patna
3. The District Magistrate, Buxar
4. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad,
For the Respondent/s : Mr. Sudhir Kumar Singh, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-01-2017

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

In the present case, the petitioner is claiming that the State would release the amount of Rs. 4,94,200/- for the work executed by the petitioner for installation of the Solar Street Lights at different places in Buxar district along with the reasonable interest thereon.

The Government has issued the Notification for the purposes of installation of the solar light at 30 different places under the District Urja Programme and accordingly, the petitioner installed



the solar light at the defined places and placed the bill of Rs.8,47,200/-. 50% amount was to be paid by the BREDA and 50% amount was to be paid by the DRDA, Buxar. The BREDA has released the fund, but no payment has been made by the DRDA.

Earlier the petitioner had moved before this Court in the same matter in C.W.J.C. No. 24851 of 2013, which has been disposed of, vide order dated 19.09.2014, there the Court has looked into the matter on the line of the alternate remedy, has taken cognizance of different judgments of the Hon'ble Supreme Court, allowed the petitioner to withdraw the writ application to pursue his representation pending before the Authority concerned, but there the Court has made it clear that if any adverse decision is taken, the petitioner will have no liberty to move this Court again for the same cause of action relating to payment of disputed amount for supply of solar light.

The counsel for the State submits that in view of this observation given by this Court in the same matter, the petitioner should have not moved before this Court, instead of, he should have moved before the appropriate authority for redressal of his grievance.

The State is completely right in view of the aforesaid direction, the petitioner should not approach this Court for the same cause of action, but at the same time when the representation of the petitioner is pending, the Authorities are obliged and the duty bound



to consider the representation of the petitioner and pass an order on its merit, but no such order has been passed. Let the Authority take decision and pass an order within a period of three months from the date of receipt/production of a copy of this order.

This Court is not giving any opinion on the merit of the case, but it is made clear that if any adverse decision is passed, the petitioner will have no liberty to again approach this Court for the same cause of action relating to payment of disputed amount for installation of solar light.

With the above observation and direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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