

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8979 of 2016

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Uttam Kumar S/o Late Yogendra Mandal, Resident at Mahaveer Electrical Gandhi Chouk, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Munger
3. Sub-Divisional Officer cum Special officer, Bihar State Agriculture Produce Marketing Samiti Munger (Now abolish)
4. Sub Divisional Officer, Munger (Sadar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. J.P. Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-01-2017

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

In this case, the petitioner is seeking the payment of the amount for the supply of electrical gadget during the 'Shrawni' Mela and for that, he has not been paid the correct amount.

It appears that during the 'Shrawni' Mela, the work order was allotted to the petitioner to supply the electrical gadget as per the requirement of the Administration.

As per the claim of the petitioner, he has supplied the electrical gadgets from time to time as per demand and direction was given for payment of the same. It has further been submitted that the



petitioner has been paid Rs. 19,275/- whereas the claim has been made of Rs. 85,150/-.

The counsel for the State submits that whatever the electrical gadgets were received and were used, for that, all the charges have been paid to the petitioner and the claim what he has made, has not been received by the Administration for the purposes of the 'Shrawni' Mela.

It is a disputed question of fact whether the gadgets mentioned by the petitioner were actually received and used by the Administration, can only be looked into either by the Tribunal under the Bihar Public Works Contract Disputed Arbitration Act, 2008 or can only be adjudicated by the Civil Court.

It appears that the petitioner had earlier approached this Court in C.W.J.C. No. 7816 of 2015, which was disposed of with a direction that any delay in payment of admitted amount beyond the stipulated period, will carry the simple interest at the rate of 9% per annum when the amount became due till the date of its actual payment. In case the petitioner's claim is found admissible, in whole or in part, petitioner will get payment in the aforesaid term. If the Tribunal/Civil Court would arrive to a finding that the petitioner has been deprived of the amount illegally, certainly he would be entitled to the simple interest at the rate of 9% per annum, in the same



direction as has been given to the petitioner in C.W.J.C. No. 7816 of 2015.

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

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(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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