

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2946 of 2016

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1. Rajesh Kumar Yadav @ Rajesh Kumar, Son of Sri Bishwanath Prasad Yadav, Resident of Village- Batardih, P.S.- Barauli, District- Gopalganj, Proprietor of M/s R.K. Center situated at Jagarnath Market, Thana- Chowk, Barauli, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sasaram.
2. The Executive Officer, Nagar Parishad, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesb
For the State : Mr. Prabhakar Jha, G.P.27
For Nagar Parishad : Mr. VijayShanker Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-07-2017

Heard the parties.

In the present case, petitioner is claiming that he was allotted the work by Sasaram Nagar Parishad for installation of 672 LED lights by mounting on separate pole than that of electricity pole.

It has come during discussion by Sasaram Nagar Parishad that petitioner has been paid 80% of the amount which has been disputed by the learned counsel for the petitioner. He submits that petitioner has already installed 672 LED lights but only 80% of the amount of 400 LED lights has been paid. It has been brought to the notice of this Court that whole tender and



allotment of work to the petitioner was examined by the Sub Divisional Officer, Sasaram and he has discussed the same in detail. The anomalies in granting the work order was examined and it was also found that work value which has been allotted to the petitioner is in higher side than the market rate as well as petitioner was blue eyed boy Rajiv Ranjaan Prakash Executive Officer wherever he was transferred he carried the petitioner and allotted the work. Petitioner was a pocket contractor of Rajiv Ranjan Prakash.

Learned counsel for the petitioner has disputed the contention and submitted that he had never worked for Siwan Municipality, completely an error of record. He further submitted that there is no dispute that he has installed 672 LED lights but payment has not been made proportionate to installing the LED light.

A criminal case has been lodged by the Vigilance which is pending for adjudication where serious allegation has been made of misappropriation of Government fund and also found that the entire process of selection of contractor suffers from illegality as the period of advertisement was less than what was required under law. The rate in higher side, it also requires investigation as to whether bulbs which were installed are/were original bulbs



of Bajaj Company.

If the petitioner is of the view that he has been paid 80% of the amount of 400 LED lights and he has installed 672 lights he can make an application before the Chairman, Sasaram Municipality who will examine the case of the petitioner whether he has been paid 80% of the entire installed LED lights or otherwise and if it is found in fact that the petitioner in actuality has installed 672 LED lights of Bajaj Company, and were found working, in such circumstances, at least he should be paid 80% amount of the bulbs installed and 20% amount will be paid after disposal of the criminal case. It is also made clear that if the Chairman arrives to a finding in favour of the petitioner the payment would be made subject to furnishing security to the satisfaction of the Chairman of the Municipality. If the petitioner loses the case, in such circumstance, it will be recovered by the Municipal Corporation from the petitioner as arrear of rent of land. If it is found that the petitioner has not installed original LED lights of Bajaj Company, in such circumstances the Municipal Corporation will be at liberty to realize the proportionate amount of money from the petitioner any payment will be made after proper verification. Before taking any decision adverse to the petitioner, the petitioner should be given proper hearing and



also assign proper reason. The entire process should be completed within a period of six months from the date of receipt/production of a copy of this order..

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.7.2017
Transmission Date	NA

