

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15744 of 2016

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Sanjeev Kumar, son of Ashutosh Kumar Singh, Resident of 1st Floor, Suhaga Niwas, Bapu Nagar, North Mandiri, P.S.- Buddha Colony, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Disaster Management Department, 2nd Floor, Pant Bhavan, Bailey Road, Patna, Bihar.
2. The Chief Executive Officer, Bihar State Disaster Management Authority, 2nd Floor, Pant Bhavan, Bailey Road, Patna, Bihar.
3. The Under Secretary, Bihar State Disaster Management Authority, 2nd Floor, Pant Bhavan, Bailey Road, Patna, Bihar.
4. The Financial Advisor, Bihar State Disaster Management Authority, 2nd Floor, Pant Bhavan, Bailey Road, Patna, Bihar.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Ansul, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam- A.A.G.-12
Mr. Arun Kumar, A.C. to A.A.G-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-04-2017

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

2. In the present case the petitioner has claimed payment of Rs.17,90,64,861.15, but during the argument learned counsel for the petitioner submits that at the initial stage he has submitted the bill of Rs.83,600/- only for the work carried out by him.



3. The Bihar State Disaster Management Authority created under the provisions of the Disaster Management Act, 2005 has undertaken a work to focus on disaster risk reduction, mitigation and creating awareness among the citizens. The Bihar State Disaster Management Authority (for short "*the Disaster Management Authority*") organized various programmes and mock drills to aware the common man with different nature of the disaster and steps to be taken to reduce the effect and to mitigate the disasters and so on.

4. The Disaster Management Authority, called upon desirous persons to submit their quotations for designing comics and other products for conducting school safety fire mock drill at different schools. The same was done vide letter No.575 dated 24.06.2014. The petitioner having experience in that field became one of the contenders for the work submitted his quotation for the work. As the petitioner was the lowest tenderer, was selected for the work and subsequently, the Under Secretary of the Disaster Management Authority issued a letter No.691 dated 31.07.2014, giving direction to prepare the design and submit the bill as per the quotation given by him. The petitioner has developed the prototype of the school safety fire mock drill, comic books and submitted a soft copy as well as a dummy copy with the respondent authorities



and placed the bill of Rs.63,800/- and made a request to release the payment as early as possible.

5. It appears that the respondents after considering the bill and after due scrutiny of the designs submitted by the petitioner was accepted and forwarded for printing. The respondents gave fresh orders, which the petitioner carried out and vide letter dated 22.01.2015 communicated to the Secretary also, submitted the bill. Thereafter, the respondents by oral order granted work for designing various items for school mock drill programme, which was scheduled to be held on 01.06.2016, which was designed by him and submitted the same before the respondent authorities. Whereupon, the petitioner addressed a letter dated 10.06.2015 to the Secretary of the Disaster Management Authority, informing about the submission of the prototype and hard copy along with the bill of Rs.27,900/- which was raised by him.

6. As per the claim of the petitioner, assurance was given for the payment, but in the meantime, another work order was given to the petitioner related to Mukhyamantri Vidyalaya Suraksha Yojana, which the petitioner has agreed and carried out, has submitted bill of Rs.55,700/- requested for payment all



pending bills, but he has received a letter from the Under Secretary of the Disaster Management Authority, bearing No.1349 dated 19.10.2015, mentioning therein that the bill so raised by the petitioner shall be paid to him on the basis of Circular dated 08.07.2010 issued by the Directorate of Advertisement and Visual Publicity, Ministry of Information and Broadcasting, Government of India, New Delhi, so he must convert the scaling of the bill from inch/feet to centimeter and submit a fresh bill, that has led to raising of bill of Rs.17,90,64,861.15.

7. So, in this manner, the bill of Rs.83,600/- has turned to be a huge amount of Rs.17,90,64,861.15 as per the direction given by the Under Secretary of the Disaster Management Authority. It does not stand to the reason that when the petitioner has submitted the bill of Rs.83,600/- as he was knowing in what manner he has to raise the bill, asking him to convert the bill from inch/feet to centimeter, thereby making the bill a big mountain amount instead of mole, requires a deep inquiry in the matter.

8. Let the Principal Secretary, Disaster Management Department, Government of Bihar, Patna would examine the matter and ascertain in what circumstance the Under Secretary,



Bihar State Disaster Management Authority, Patna has asked the petitioner to convert the scaling of the bill from inch/feet to centimeter and that led to a big gape in the amount of the bill.

9. It has been informed by the learned counsel for the State and confirmed by the learned counsel for the petitioner that the original bill amount has already been paid to the petitioner.

10. The petitioner is not at fault because at the initial stage he has placed the demand what he is entitled to, but that deviation has taken place on account of letter issued by the Under Secretary. So, the petitioner cannot be deprived of the interest amount and as such, the respondent authorities are directed to pay interest at the rate of 7% per annum over and above what has been paid to the petitioner.

11. The Principal Secretary, will also examine the fact that whether the interest portion which the State will ultimately have to be paid, will be recoverable from the pocket of the said Under Secretary, who has asked the petitioner to convert the scale of preparation of the bill.

12. With the aforesaid observations and directions, this writ



application is disposed of.

13. The original record with respect to this case is handed over to the learned counsel for the State.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	11.04.2017
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