

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6519 of 2016

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Iqbal Khan Son of Mateen Khan Resident of Mohalla - Patthar Ki Masjid, Dargah Road, P.O. Mahendru, P.S. Sultanganj, District - Patna, Proprietor M/S New Bhartiya Shamyana and Tents Contractor, Patna, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate - Cum - District Election officer (Panchayat), Lakhisarai
5. The State Election Commission, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. Azeem
For the State : Mr. Sheo Shankar Prasad, SC-8
For Election Commission : Mr. Amit Srivastava, Adv.
Mr. Ritesh Kr., Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-02-2017

Heard learned counsel for the petitioner and counsel for the State as also counsel for the State Election Commission.

In this case the petitioner has claimed that he is entitled to Rs. 89,70,432/- for the infrastructure he has provided during Panchayat Election for the year 2011. It has been claimed that he has given the correct bill which was verified by the concerned officer and even then he has not been paid the said amount whereas, in the counter affidavit, it has been mentioned that the bill of the petitioner was looked into by the Committee constituted by the Administration and found that after statutory deduction under the Income Tax as well



as Service Tax, the petitioner is entitled to Rs. 13 lac and odd whereas he has been paid Rs. 15,00,000/-, in consequence, it is the petitioner who has to return the rest of the amount after due adjustment.

Learned counsel for the petitioner submits that the Committee's finding is completely incorrect and that required to be set aside.

As there is a disputed question of fact, this issue cannot be gone into in the present writ application. If the petitioner feels so, he may approach and file an application to the Bihar Public Works Contract Dispute Arbitration Act, 2008 and the Tribunal will decide the issue within a period of six months from the date of filing of the application.

With the aforesaid observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2017
Transmission Date	

