

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13978 of 2017

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Janta Tent and Crockery House, Ganj Mohalla, Aurangabad through its
Proprietor Md. Shamim Niazi S/o Abdul Alim Niazi R/o Kabir Mohalla,
Nawadih Road, Aurangabad, P.S. + District - Aurangabad,

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary to the Government of Bihar, Bihar, Patna.
2. The Principal Secretary to the Government of Bihar in the Department of Panchayati Raj, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Collector-cum-District Election Officer (Panchayat), Aurangabad.
5. The District Panchayat Officer, Raj Officer-cum-Dy. Election Officer (Panchayat).

.... Respondents

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Appearance :

For the Petitioner : Mr. A.B. Ojha, Sr. Advocate

Mr. Nitesh Kumar,

Mr. Anand Vardhan, Advocates

For the Respondents : Mr. Ajay, GA5

Mr. Ashish Kumar Lal, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-03-2018

Heard learned senior counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been taken up out of turn on
the request of learned counsel for the petitioner for disposal of the
same with a direction to the respondents to pay all the admitted
legitimate dues of the petitioner amounting to Rs. 41,15,988/- for
successfully completing the works entrusted to it during the
Aurangabad Panchayat General Election, 2016 within prescribed time
and also statutory interest on the delayed payment as prescribed



under Section 16 of the Micro, Small and Medium Enterprises Development Act, 2006 and also compound interest as provided under section 5 of the Interest on Delayed Payment to Small Scale and Ancillary Industrial Undertaking Act, 1993 and/or any other relief including cost of this proceeding.

3. Mr. A.B. Ojha, Learned senior counsel for the petitioner submits that despite having completed the work within time, amount of Rs. 41,15,988/- remains outstanding for payment, the petitioner having received an amount of Rs. 45,60,739/- out of the total agreed amount of Rs. 86,76,727/-.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances of the petitioner and with the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Collector-cum-District Election Officer (Panchayat), Aurangabad (Respondent No. 4) with a fresh representation for redressal of its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation, together with statutory interest in terms of Section 16 of the Micro, Small and Medium Enterprises Development Act, 2006 on the admitted dues calculated from the date when the amount became



due till the date of its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

