IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22939 of 2013

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Dinesh Sons Represented through its Proprietor Sri Anant Kumar Singh son of Late Dinesh Singh, State Bank Road, Ward No. 18, Near Cyber System Madhepura, District - Madhepura - 852113

... ... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Madhepura Collectorate, Madhepura - 852113 (Bihar)
2. The District Magistrate, Madhepura Collectorate, Madhepura - 852113 (Bihar)
3. The Nazarat Deputy Collector, Nazarat Madhepura Collectorate Madhepura - 852113 (Bihar)

... ... Respondents

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Appearance :

For the Petitioner	:	Mr. P.K. Sharan
		Mr. J.K. Sharan
		Mr. Hemant Kumar Sharan, Advocates.
For the Respondents	:	Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 05-12-2018

The present writ petition has been filed for the following reliefs -

> *"(i) To issue an appropriate writ(s), order(s), direction (s) in the nature of writ of mandamus for directing the respondent no. 2 and 3 to allow the petitioner to continue to provide uninterrupted services of power supply in the premises of Madhepura Collectorate and Circuit House, Madhepura (Generator Services) of 50 KVA for continuous period of three years as agreed between the parties and not to rescind the contract pre-maturely without the fault of the petitioner.*
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> *(ii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of mandamus for directing the respondent no. 2 and 3 to refund the amount deducted and not to further deduct, sales tax/value added tax at the flat*

rate of 5% from the total amount of the monthly bills of the petitioner.

(iii) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of mandamus directing the respondents to refund the excess amount of tax with interest so deducted at source from the monthly bills of the petitioner without any delay.

(iv) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of mandamus directing the respondents to make payments of consumption of excessive load of 13 KVA approx per month w.e.f. 01.10.2012 till date in respect of Genset installed in the Collectorate premises, Madhepura.

(v) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of mandamus directing the respondents to make payments of arrear of bill w.e.f. 01.08.2013 in respect Genset installed in the premises of Collectorate, Madhepura and w.e.f. 01.09.2012 in respect of Genset installed in the Circuit House, Madhepura towards payment of monthly bill of the petitioner till date.

(vi) To stay the fresh tender issued/published in the daily newspaper dated 27.09.2013 by the authority concerned till the contract period of the petitioner.

(vii) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case."

2. At the outset itself, learned counsel for the petitioner fairly accepts that the prayer no. 1 need no longer be pressed as the period of three years for which the contract had been entered into has already elapsed and the prayer no. 1 has become infructuous by efflux of time. It is however submitted that the petitioner is entitled

to payment of arrears of bill as well as refund of various deductions made by the respondents which are still outstanding.

3. Learned counsel for the respondents appears and points out from the counter affidavit that steps had been taken for allotment of funds to enable payment to the petitioner in terms of memo no. 114-2 dated 11.08.2012 (Annexure-11 to the writ petition).

4. Having regard to the limited prayer to which the writ petition has now been confined, the writ petition stands disposed of with a direction to the District Magistrate, Madhepura Collectorate, Madhepura (respondent no. 2) to ensure that payment of the admitted amount is made to the petitioner, if not already paid, within a period of four months from the date of receipt/production of a copy of this judgment together with simple interest @ 6% per annum from the date when the payment became due up to the date of actual payment.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.12.2018
Transmission Date	N.A.