

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13767 of 2013

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M/s Tirupati Drugs, Authorized Dealers of Indian Drugs and Pharmaceuticals Limited (A Government of India Enterprises) having its office at Sikandarpur, Near Radha Devi School, Old Campus, Muzaffarpur-842001 (Bihar) through its Partner Sri Ravi Shankar Prasad Gupta, son of Mithilesh Prasad Gupta

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Health Department, Patna
2. The Civil Surgeon cum Member Secretary, District Health Society, Samastipur

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Awdhesh Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2018

The present writ petition has been filed for a direction to the respondents to make payment of price of medicine along with penal interest and cost.

2. As none appeared on behalf of the petitioner, the matter was passed over for a few cases. However on repeat call, the petitioner was again not represented.

3. A perusal of paragraph-7 of the writ petition discloses that the petitioner supplied medicines as per supply order and submitted bill dated 21.12.2009 for a total amount of Rs. 76,232/-. It is stated that the amount has not been paid by the respondents.

4. Learned counsel for the respondents, on the other hand, relies on the counter affidavit to submit that against the total bill



of Rs. 76,232/- a Cheque No. 284433 for Rs. 50,000/- was issued by District Health Society, Muzaffarpur on 04.09.2015. For the remaining amount of Rs. 26,232/-, the petitioner was required to provide the challan of M/s Tirupati Distributors which had submitted the bill. However, the petitioner supplied the challan of Ganpati Drugs and despite request failed to supply the requisite challan of M/s Tirupati Distributors.

5. Having heard learned counsel for the respondents and on consideration of the material on record, this Court finds the writ petition to be devoid of merit. A clear stand has been taken in the counter affidavit that an amount of Rs. 50,000/- has already been paid to the petitioner against the bill of Rs. 76,232/- but the remaining amount could not be paid for want of proper challan of M/s Tirupati Distributors. The stand of the respondents has not been disputed and no rejoinder has been filed on behalf of the petitioner.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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