

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.4277 of 2016**

**IN**

**Civil Writ Jurisdiction Case No. 7183 of 2014**

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Firoz Ahmad S/o Late Farooque Ahmad Resident of village- Sahebganj (Purani Gurhatti), P.O.- Sahebganj P.S.- Chapra Town, District- Saran (Chapra)

.... .... Petitioner/s

Versus

1. Mr. Jairam Pal, The District Agriculture officer, Saran (Chapra)
2. The State of Bihar through D.M. Saran, Harihar Prasad

.... .... Opposite Parties

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**Appearance:**

|                      |   |                                                                                                             |
|----------------------|---|-------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Shri Prakash Srivastava,<br>Mr. Santosh Bharti,<br>Ms. Anu Priyadarshini<br>Ms. Rinki Kumari, Advocates |
| For the OPs.         | : | Mr. Sarvesh Kumar Singh, AAG 13<br>Mr. Puneet Siddherhe, AC to AAG 13<br>Mr. Ravi Kumar, AC to AAG 13       |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 25-04-2018**

The present petition has been filed for initiating a contempt proceeding against the opposite parties for willful disobedience of the judgment of this Court dated 21.01.2016 passed in C.W.J.C. No. 7183 of 2014 requiring the authorities to consider the petitioner's case and taking decision at their end.

2. Learned counsel for the petitioner submits that the order of this Court has not been complied with in its entire spirit inasmuch as even though the opposite parties have made payments of the admitted dues of Rs. 70,72,537/- by Cheque dated 31.03.2016 after thereby incurring delay of about 16



days beyond the stipulated time of six weeks from the date of filing representation as contemplated in the order. It is therefore submitted that the petitioner became entitled to interest from the date when the payment first became due, which however has not been paid to the petitioner.

3. Learned counsel for the opposite parties, on the other hand, submits that the small delay in making the payment was wholly *bone fide* owing to procedural delays and the order of this Court has substantially been complied with. It is further submitted that as against the amount of interest which worked out to Rs. 21,197/- calculated @ 9% for the period of delay of 16 days, the petitioner was claiming an exorbitant amount of interest of Rs. 7,16,790/- for the small delay in payment, though such delay was wholly *bona fide* and occasioned partly because of pressure of work in view of the impending financial year ending.

4. A supplementary show cause has been filed in which it has been stated that upon deliberations a request was made to the petitioner for a settlement of the interest amount @ 2% for the delay in making payment. On this basis an amount of Rs. 2,74,472/- has been calculated by way of settlement with the petitioner for which sanction has also been obtained from the Principal Secretary, Department of Agriculture, Bihar, Patna.

5. Learned counsel for the petitioner however,



expresses that the petitioner is not ready for the amount offered by way of settlement.

6. This Court is of the view that the payment of the principal amount of Rs. 70,72,537/- has already been made to the petitioner albeit with a delay of about 16 days. This Court does not find any willful disobedience to the cause of the delay on the part of the opposite parties. The order of this Court has substantially been complied with.

7. In the above view of the matter, the contempt petition stands disposed of.

**(Vikash Jain, J)**

Chandran/BT

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