

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.10891 of 2017

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Maa Durga Printers, Club Road, Sri Krishna Nagar, Aurangabad, Bihar through

1. Shiv Prakash Pandey, son of Late Sri Rajendra Pandey
2. Subodh Kumar Pandey, son of Sri Ram Chandra Pandey

Both resident of Vidyut Karyalay Purab Krishna Nagar, Aurangabad, P.S. and District Aurangabad (Bihar) Partners.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary to the Government of Bihar in the Department of Rural Development, Bihar, Patna
2. The Principal Secretary to the Government of Bihar in the Department of Rural Development, Bihar, Patna
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna
4. The Deputy Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Aurangabad.

.... .... Respondents

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#### Appearance :

For the Petitioner

Mr. A.B. Ojha, Sr. Advocate

Mr. Nitesh Kumar, Adv

Mr. Anand Vardhan, Adv

For the Respondent/s : Mr. HARISH KUMAR-GP8

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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 the admitted dues of the petitioner and the petitioner sought the following reliefs-

(i) For issuance of a writ of mandamus commanding the respondents authorities to pay all the legitimate dues of the petitioner amounting to Rs. 23,77,735/- for successfully completing the works entrusted to it by District Rural Development Agency (DRDA),



Aurangabad of BPL related printing etc., for the year 2010 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.

(ii) For any other relief including the cost of this proceeding.

3. Mr. A.B. Ojha, Learned senior counsel for the petitioner submits that despite having completed the work within time as far back as in the year 2010 amount of Rs. 23,77,735/- remains outstanding for payment, the petitioner having received an amount of Rs. 8,00,000/- out of the total agreed amount of Rs. 31,77,735/-.

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 Deputy Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, 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)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 09.03.2018 |
| Transmission Date | NA         |

