

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3350 of 2015

In

Civil Writ Jurisdiction Case No. 3175 of 2014

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Dr. Jain Video on Wheels Limited, Jain Studios Campus, Scindia Villa, Sarojini Nagar, Ring Road, New Delhi. Represented through its representative Dharmendra Kumar Singh, aged about 37 years, son of Mr. Nand Kishore Singh, Project Manager, Bihar having its local office at 5th Floor Times of India Building, Freser Road, Patna – 800 001.

.... Petitioner

Versus

1. The State of Bihar through Anjani Kumar Singh Chief Secretary Bihar Patna
2. Mr. Shishir Sinha, the Development Commissioner, Bihar, Patna.
3. Mr. Brajesh Mehrotra, the Principal Secretary, Department of Health, Bihar, Patna.
4. Mr. P.K. Thakur, The Director General of Police, Bihar, Patna.
5. State Health Society through its Secretary Mr. Jitendra Srivastav, Parivar Kalyan Bhawan, Sheikhpura, Patna – 800 014.
6. Mr. Jitendra Srivastava, the Secretary, Health cum Executive Director, Bihar Health Society, Parivar Kalyan Bhawan, Sheikhpura, Patna – 800 014.

.... Respondents

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Appearance :

For the Petitioner/s : Ms. Sushmita Sharma, Advocate
For the Respondents : Mr. Satyabrata Verma, Advocate
For the State : Mr. Satyeshwar Prasad, A.C. to S.C.VII

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4. 13-08-2018

Learned counsel for the State Health Society,

Bihar has pointed out that the mandamus issued by this court vide order dated 02.04.2014 passed in CWJC No. 3175/2014 has already been complied with, inasmuch as after hearing the petitioner, the Development



Commissioner-cum-Arbitrator had disposed of the matter vide Memo No. 169 dated 29.06.2015 as contained in Annexure-4 to the writ application.

It appears from a reading of the order dated 02.04.2014 that this court had, while disposing of the writ application, directed the Development Commissioner, Govt. of Bihar to consider and dispose of the dispute between the parties within a period of one week from the date of appearance of the parties before him. This court fixed a date i.e. 9th April 2014 at 11.00 A.M. for the petitioner to appear before the Development Commissioner. The order further directs the Development Commissioner to decide the matter within a period of six weeks and to pay the admitted dues of petitioner within a period of four weeks.

Admittedly the Development Commissioner has, after giving an opportunity to the petitioner to represent his case, passed the order as contained in Annexure-4 to the writ application. Taking note of the various aspects of the matter under paragraph-18 of the order, the Development Commissioner has discussed on the issues which was creating a kind of impasse between the parties and then under paragraph-18(vii) he resolved the issues by directing that on petitioner furnishing an undertaking the State Health



Society, Bihar will pay 25% of the admitted amount which had been assessed at Rs. 11709953/- (Rupees One Crore Seventeen Lakhs Nine Thousand Nine Hundred and Fifty Three only). It was ordered that after giving undertaking when 25% amount will be made available to the petitioner, he will return the vehicles in running condition from the garage after clearing all the dues. Upon fulfilling all these conditions the petitioner was to get remaining admitted dues.

Learned counsel for the State Health Society, Bihar has pointed out that once the order was passed by the Development Commissioner the direction of this court in CWJC No. 3175/2014 stands complied with.

Even though learned counsel representing the petitioner has made some efforts to point out that it is a case of contempt. On query raised by this court, learned counsel could not point out any averment or pleading in the contempt application showing that the Development Commissioner has committed contempt of this court in any of the part of the order as contained in Annexure-4 to the writ application.

The grievance of the petitioner is that the State Health Society, Bihar has not paid the admitted dues despite



the order of the Development Commissioner, Government of Bihar, whereas the stand of the learned counsel representing the State Health Society, Bihar is that in terms of the order as contained in Annexure-4 the petitioner has failed to furnish the undertaking, and therefore, in absence of undertaking the State Health Society, Bihar is unable to comply with the direction of the Development Commissioner, Government of Bihar.

In the given facts and circumstances of the case and the submissions noted hereinabove, this court does not find any reason to proceed with this contempt application. The order of this court has apparently been complied with, and now the circumstances under which the order of the Development Commissioner, Government of Bihar has not been complied with will not be an issue to be taken care of in the contempt jurisdiction.

The application stands dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

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