

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12687 of 2013

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1. M/S Bharat Machinery Store represented through Kaushal Kumar Jaiswal @ Kaushal Kumar, Ramayan Market, G.T. Road, Sasaram, P.O. + P.S. - Sasaram, District - Rohtas
 2. Kaushal Kumar Jaiswal @ Kaushal Kumar Son of Late Bijay Shankar Jaiswal Resident of Ramayan Market, G.T. Road, Sasaram, P.O. + P.S. - Sasaram, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna
3. Director, Agriculture Department, Government of Bihar, Patna
4. Joint Director Agriculture Magadh Commissionary, Gaya
5. District Agriculture Officer, Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Adv

For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-08-2018

The present writ petition has been filed for a direction to the respondents to make payment of Rs. 1,80,000/- along with interest at the rate of 13.5% per annum in pursuance of chaff cutter supplied by the petitioners in the Agriculture Fair, which was organized in Daudnagar Block dated 28.11.2011 to 29.11.2011 and at Gate School dated 15.12.2011 to 16.12.2011 in the District Aurangabad.

2. Learned counsel for the petitioner submits that pursuant to information from respondent no. 5 with regard to shortage of Chaff Cutters in the Agriculture Fair in Daudnagar and Gate School in District Aurangabad, the petitioner supplied 60 Chaff Cutter machines for an amount of Rs. 2,40,000/- against which the petitioner has been paid Rs. 60,000/- for 15 Chaff Cutters only. It is submitted that the balance amount of Rs. 1,80,000/-



remains outstanding. A representation dated 08.04.2013 has been filed before the Director, Agriculture Department, Government of Bihar, Patna (Respondent No. 3) which however remains pending.

3. Learned counsel for the respondents on the other hand, opposes the writ petition, submitting that there is no purchase order for supply of 60 Chaff Cutters claimed to have been supplied by the petitioner. It is stated that the petitioner had supplied 15 Chaff Cutter machines, as apparent from his application dated 17.03.2012, which have been duly paid for already.

4. Having regard to the nature of the grievance and the disputed nature of the issue with regard to the actual supply made by the petitioner, this Court is not inclined to pass any positive order. The stand of the respondents has not been controverted and no rejoinder has been filed by the petitioner.

5. In the circumstances, therefore, the writ petition is disposed of, granting liberty to the petitioner to file a fresh representation before the District Agriculture Officer, Aurangabad (Respondent No. 5) for redressal of his grievances. If any such representation is filed within two weeks' from today, the same shall be considered and disposed of in accordance with law after grant of opportunity of hearing to the petitioner.

(Vikash Jain, J)

Chandran/Md. Ibrarul

AFR/NAFR	NAFR
CAV DATE	NA
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