

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6798 of 2015

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M/s Rasto Pharmaceuticals Having Its Office At Rastogi Bhawan, Dr. B.B. Ghosh Lane, Motijheel, P.S. Town Thana, town and District Muzaffarpur, through its Proprietor Gopal Kumar Rastogi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Vikash Bhawan, Patna.
3. The Registrar Deputy Director, Health Services, Tirhut Division, North Bihar, Muzaffarpur.
4. The Civil Surgeon cum Chief Medical Officer, Muzaffarpur.
5. Dr. A.P. Singh, Ex Civil surgeon cum Chief Medical Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subratheshwar De, Adv
For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 17-12-2018

The present writ petition has been filed for quashing the memo no. 378 dated 20.02.2013 (Annexure-3) issued by the Civil Surgeon, Muzaffarpur whereby an order has been passed not to pay the remaining balance bill amount to the petitioner against the supply of medicines and also for a direction to pay the unpaid bills to the petitioner pending against the medicines supplied; and for connected reliefs.

2. Learned counsel for the petitioner submits that despite having supplied the medicines pursuant to order placed by the respondents, an amount of Rs. 19,30,023/- remains outstanding for payment against the total bill for Rs.



78,24,654/- having been submitted by the petitioner. In the earlier round of litigation in CWJC No. 14183 of 2012 (M/s Rasto Pharmaceuticals vs. The State of Bihar and another), this Court by its order dated 07.08.2012 disposed of the matter with a direction to the concerned respondents for examining the petitioner's bills in the light of work done by it and to release the admissible amount of the bills within a time frame. Despite such order, a part of the claim of the petitioner remains outstanding as stated above.

3. Learned counsel for the respondents on the other hand, submits that pursuant to the orders of this Court dated 07.08.2012 passed in CWJC No. 14183 of 2012 an enquiry committee was constituted which submitted its report vide letter no. 704 dated 07.11.2012 in which it was found that medicines have been supplied by the petitioner at higher rates than admissible and as such the petitioner was not eligible for payment as claimed.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It transpires from perusal of the impugned order dated 20.02.2013 (Annexure-3) that the basis for rejecting the claim of the petitioner is the enquiry report dated



07.11.2012. A copy of the said enquiry report has been brought on record in the counter affidavit filed on behalf of the respondent no. 4 (Annexure-R4/1), copy of which was served on the petitioner on 17.09.2018. Significantly even though the petitioner was responded to the counter affidavit, he is unable to points out that at any stage he questioned the validity of the enquiry report. In other words, the petitioner appears to have accepted the enquiry, but is disputing the denial of payment pursuant to the enquiry report, which is not tenable.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2018
Transmission Date	NA

