

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15070 of 2013

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Binod Kumar Poddar S/O Sri Indradeo Poddar Resident Of
Mohalla- East Kapasia, P.S- Town, District- Begusarai, Proprietor
Sahles Foundation, Office Situated At East Of Kapasiya, Wardn O.
6, P.O- Township, District- Begusarai (Bihar)

... .. Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Information And Public Relation Department, Govt.
Of Bihar, Patna.
3. District Magistrate, Khagaria.
4. District Information And Public Relation Officer, Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Dr. Kumar Binod Bariar, Advocate
For the Respondent/s : Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 02-01-2019

This writ application has been preferred for a writ of mandamus commanding the respondents to pay the admitted dues of the petitioner for the work already done/completed as per written and verbal direction of District Information and Public Relation Officer, Khagaria.

It is the case of the petitioner that he being a Proprietor of M/s Sahles Foundation, office situated at East of Kapasiya, Ward No. 6, P.O. Township, District – Begusarai (Bihar) was



issued work order by District Public Relation Officer, Khagaria vide letter no. 73 dated 18.02.2011 and vide letter no. 132 dated 22.06.2011 for Hording, Flex and Forms etc. for welfare scheme. In paragraph-5 of the writ application, a specific statement has been made to the effect that the respondent no. 4 has issued verbal order on different dates directing the petitioner to supply Hording, Flex and Forms etc. The petitioner claims that he had completed the entire work and submitted his bills for payment. Annexure-2 series are the photocopies of the bills of different dates which have been placed before this court.

Learned counsel for the petitioner submits that so far as the bills submitted by the petitioner are concerned, those are not in dispute as it will be evident from the statements made in paragraph-4 of the counter affidavit filed on behalf of the respondent no. 3 & 4 that the statements made in paragraph-5 of the writ application have not at all been denied. Not only that, in paragraph-8 of the counter affidavit the answering respondents have admitted the claim of the petitioner of Rs. 4,06,824.00. The only ground for withholding the entire payment as disclosed in the counter affidavit is that the petitioner has not submitted the utility certificate and original bills in the office of respondent no. 4.



Learned counsel submits that the ground disclosed in the counter affidavit to explain non-payment of bills are in fact baseless grounds as it will be crystal clear from bare perusal of Annexure-4 to the writ application that the petitioner has submitted the utility certificate and photographs.

It is further submitted that the petitioner has submitted the entire original bills as well. It is thus submitted that the genuine claim of petitioner which stands admitted by the answering respondents to the counter affidavit be directed to be paid with a reasonable rate of interest.

On the other hand, learned counsel representing the State submits that no doubt in paragraph-8 of the counter affidavit the claim of the petitioner to the extent of Rs. 4,06,824.00 has been admitted but those amount will be paid to the petitioner only after verification of the utility certificate and the original bills.

Having heard learned counsel for the petitioner and learned counsel representing the State as also on perusal of the records, this court finds that so far as the statement of the petitioner that he had rendered the work as per direction of respondent no. 4 is concerned, the same has not been denied by the answering respondents. In the counter affidavit, there is a categorical admission of claim of the petitioner to the extent of Rs.



4,06,834.00 against which the petitioner has been paid only Rs. 28,600.00. Again, Annexure-4 to the writ application shows that the petitioner had submitted the utility certificates. Annexure-2 series are the bills submitted by the petitioner which are not in dispute. If this is the factual position emerging out of the pleadings available on the record, this court is of the considered opinion that withholdment of the amount to which the petitioner is legally entitled to is arbitrary and cannot be justified. Once the bills (Annexure-2 series) and the utility certificate wherein possession of respondent no. 4, respondent no. 4 could have very well verified the same and steps could have been taken to pay the admitted amount. At one place in the counter affidavit it is stated that the respondent no. 4 has received Rs. 1,77,348.00 from the Pariyojana Director, ATMA and the amount is credited in the government account of District Public Relation Officer, Khagaria which will be paid to the petitioner after submission of original utilization certificate and other documents.

In the aforesaid facts and circumstances, this court would direct respondent no. 4 to pay the admitted amount to the petitioner as stated in paragraph-8 of the counter affidavit within a period of two months from the date of receipt/production of a copy of this order.



Since the amount has been found admitted, this court would also direct payment of interest at the rate of 6% per annum on the aforesaid amount since two months after the date of submission of the utilization certificate as shown in Annexure-4 and the bills as per Annexure-2 series till the date of payment.

The writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.01.2019
Transmission Date	

