

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25048 of 2018

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M/s Sharma Wood, Steel furniture Industry Madhepura, through Rabindra Sharma, Son of Late Nand Kishore Sharma, Resident of Village- Bhirkhi, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Dissastor Management Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Purnea.
3. Additional Collector, Dissastor Management, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Advocate
For the State	:	Mr. W. A. Khan, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-05-2019

Heard learned counsel for the petitioner and learned AC
to SC 25 for the State.

2. The petitioner has moved the Court for the following
relief:

*“That this writ application is being
filed by the petitioner in the nature of mandamus for
the direction to the respondents to pay the dues
amounts relating to the Supply of boat.”*

3. The petitioner had supplied boats to the District
Administration, Purnea in June, 2014 and November, 2014 for
which on 03.07.2014 and 07.11.2014 bills were raised and the
authorities have accepted an amount of Rs. 22,50,950/- and Rs.
14,35,775/- respectively, payable to him. However, only 80% of



the admitted dues, after the statutory deductions, have been paid and the rest is still due since then.

4. Learned counsel for the petitioner submitted that despite there being no denial or contest with regard to the quantum of the payable dues of the petitioner which are admitted by the authorities, actual payment has not been made for over four years now. It was submitted that the petitioner has been representing before the authorities repeatedly but the authorities are turning a deaf ear to his genuine claim.

5. Learned counsel for the State fairly submitted that in view of the materials on record, the admitted dues of the petitioner are required to be paid to him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the petitioner is entitled for payment of his admitted dues without any further delay. A person who is engaged in any business after completing his part of the deal, by supply of any material, boats in the present case, is entitled in law to get his dues without any delay. Such dues, as a matter of right, are to be paid to the petitioner and the authorities cannot delay such payment for over four years. The matter is worse as the authorities in question are State authorities. The State is not expected to act in such



manner where it takes the work/supply from a private person but when it comes to making payment for the same, even the admitted dues are not fully paid for years together, as in the present case.

7. Accordingly, the writ petition is allowed. The respondent no. 2 is directed to make payment of the entire remaining dues of the petitioner in terms of Annexures-2 and 3 to the writ petition i.e., copies of Memo No. 304 dated 03.07.2014 and Memo No. 28 dated 12.01.2015, respectively, to the petitioner, after making statutory deductions and adjusting what has been paid earlier, within three weeks from the date of production of a copy of this order before the respondent no. 4. Failure shall lead to payment of 6% interest to the petitioner on the amount due which shall be paid in addition to the principle amount of the petitioner minus statutory deductions, after expiry of the time limit fixed for payment as indicated above. The extra burden on the State exchequer, if occasioned by making payment of interest, shall be recovered from the persons responsible for such delay.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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