

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25717 of 2019

Kedia Scientific and Surgical a Proprietorship firm, having its office situated at- Hospital Road, Laheriasarai Town and District- Darbhanga, through its Proprietor, namely Sharwan Kumar Kedia, aged about- 66 years, gender- male, S/o Late Atma Ram Kedia, resident of Mohalla- Gullobara, Ward No. 10, P.O.- Lalbagh, P.S.- Town, Town and District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education-cum- Family Welfare Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Health, Medical Education-cum- Family Welfare Department, Govt. of Bihar, New Secretariat, Patna.
3. The State Health Society Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna- 800014 through its Executive Director.
4. The Executive Director, State Health Society Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna- 800014.
5. The Civil Surgeon-cum- Member Secretary, District Health Society, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Jha
For the Respondent/s : Mr.Chitranjan Sinha (PAAG-2)
For the Respondent Nos. 4 & 5: Mr. K.K. Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-02-2020

The petitioner has prayed for the following reliefs:-

“I. To issue appropriate and equally efficacious direction9s) upon respondents to pay the petitioner forthwith, a sum of Rs. 14,11,824/- (Rupees fourteen lacs eleven thousand eight hundred and twenty four only) towards the supplies made in pursuance of Supply Order issued vide letter no.



390/DHS/2006, dt. 26.03.2016 together with interest thereon upto the full realisation thereof and with costs and damages.

II. To issue appropriate and equally efficacious dierction(s) upon respondents to pay the petitioner forthwith, a sum of Rs. 13,79,926/- (Rpees thirteen lacs seventy nine thousand nine hundred and twenty six only) towards the supplies made in pursuance of Supply Order issued vide ltter no. 390/- DHS/2016, dt. 26.03.2016 together with interest thereon upto the full realisation thereof and with costs and damages.”

The learned counsel for the petitioner has submitted that the admitted dues of the petitioner has not been paid by the District Health Society, Darbhanga.

On the contrary, the learned counsel for the respondents submits that in case the petitioner files appropriate representation with regard to his claim for payment of the admitted dues for the supplies made in pursuance to the supply order in question, a decision would definitely be taken within a period of eight weeks and thereafter admitted dues, if found payable, would be paid forthwith.



Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to file appropriate representation, annexing a copy of the present order, within a period four weeks from today, whereupon the respondent no. 5 i.e. the Civil Surgeon-cum-Member Secretary, District Health Society, Darbhanga, shall examine the aforesaid claims of the petitioner for payment of the admitted dues and pass a reasoned order within a period of eight weeks thereafter and in case the admitted dues are payable, the same shall be paid within a period of four weeks therefrom.

It is made clear that in case the admitted dues are not paid within the time frame, as prescribed herein above, the same shall carry interest @ of 9 per cent per annum from the date the dues have become payable.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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