

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6907 of 2021

1. J and B Enterpries through its Directors Rahul Kumar Bhagat and Sumit gautam having its registered Office at Om Nagar, Ward no.8, Near Mahindra Fast Choice, Araria.
2. Rahul Kumar Bhagat, S/o Sheshnath Bhagat, R/o Ward-23, Hat Bazar, Araria, P.S.-Araria, Dist.-Araria.
3. Sumit Gautam S/o Sushil Nath Jha R/o Near Durga Temple, Ward no.2, Khawaspur, P.S.-Araria. Dist-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Health Department. Government of Bihar, Patna.
2. The Director in Chief, Disease Control, Public Health Para Medical, health Department, govt. of Bihar, Patna.
3. The District Magistrate (D.M.), Araria.
4. The Chief Medical Officer, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar, Advocate
For the Respondent/s : Mr. S.D. Yadav, AAG-9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-10-2021 The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of a writ/writs in the nature of mandamus directing the Respondent Authorities to release the funds to be exact Rs. 19,99,900/- in favour of petitioners for the materials supplied by these petitioners.

(ii) For any other reliefs to which the petitioners are found entitled to in the facts and circumstances of this case.”



At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the respondent no. 2 i.e. the Director in Chief, Disease Control, Public Health Para Medical, Health Department, Government of Bihar, Patna for redressal of their aforesaid grievances.

It is submitted that the admitted dues are due to be paid to the petitioners regarding supply of materials by the petitioners during the COVID-19 pandemic period. It is also stated that the provision contained in Rule 12 of the Government eMarketplace (GEM) postulates release of 100 % payment within ten days of issue of consignee receipt-cum-tax receipt, nonetheless, no payment has been made to the petitioners till date.

The learned counsel for the respondent-State Shri S.D. Yadav, AAG-9 has got no objection in case the petitioners approach the respondent no. 2 for redressal of their grievances and submit that their grievances would definitely be redressed, in accordance with law.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioners to approach the respondent no. 2 by filing appropriate petition within a period of



four weeks from today and in case such a representation is filed, the same shall be considered in accordance with law and disposed off by a reasoned and a speaking order within a period of eight weeks, thereafter and in case any admitted outstanding dues are found payable, the same shall be paid within a further period of eight weeks, therefrom.

(Mohit Kumar Shah, J)

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