

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.42 of 2018

In
Civil Writ Jurisdiction Case No.6903 of 2016

=====

Babban Prasad Singh Son of Late Bindeshwari Singh, Proprietor of Hitech Engineering, resident of Variety Complex, Sheopur, Mahendru, P.S. - Pirbahore, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through R. K. Mahajan, Principal Secretary, Health Department, Govt. Of Bihar, P
2. Lokesh Kumar Singh, Director-in-Chief, Health Department, Government of Bihar, Patna.
3. Dr. Deepak Tandan, Superintendent, Patna Medical College and Hospital, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Rakesh Kumar Sharma, Advocate
For the Opposite Party/s :	Mr. P.K. Shahi, Sr. Advocate
	Mr. Vikas Kumar, Advocate
	Mr. Anil Kumar Verma, AC to AAG-9
	Mr. Braj Bhushan Mishra, AC to AAG-9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

16 30-11-2022 This Court is of the considered view that in the passing of the judgment dated 08.11.2017 in C.W.J.C. No. 6903 of 2016 titled as Babban Prasad Singh Vs. The State of Bihar & Ors., there was neither any adjudication of the petitioner's right nor any determination of the amount due and payable to him.

Judgment dated 08.11.2017 is reproduced in entirety hereinunder:

“The present writ petition has been filed for a direction to the respondents to make payment of the admitted dues of Rs.2,99,83,559/-;



together with interest.

2. Learned counsel for the petitioner submits that despite completion of the work and submission of bills, a considerable amount of Rs.2,99,83,559/- still remains outstanding.

3. None appears on behalf of the respondents when the matter is called.

4. Having regard to the nature of the prayer of the petitioner, the writ petition is disposed of granting liberty to the petitioner to approach the Superintendent, Patna Medical College and Hospital, Patna (respondent no. 3) with a fresh representation for redressal of his grievance. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

5. It is made clear that this Court is not expressing any opinion on the merits of the



claim of the petitioner.”

Be that as it may, it is a matter of record that now under the threat of the instant petition, filed under Article 215 of the Constitution of India read with Sections-11 and 12 of the Contempt of Court Act, petitioner has received huge amounts, more than two crores, be it the principal amount or the interest thereupon. However, it is a matter of record that the said amount was received by the petitioner subject to his undertaking that in the event of the Department determining the same to have been paid in excess, the same would be refunded. It is only on account of pendency of the present petition that the Department, thus far, restrained its hand in undertaking such an exercise and continued to pay the amount.

In view of the same, the petition is disposed of, reserving liberty to the Department to have the amount reconciled in accordance with the terms of the agreement and, should the Department find the amount to have been paid in excess, initiate proceedings for recovery thereof.

(Sanjay Karol, CJ)

K.C.Jha/DKS

U			
---	--	--	--

