

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5624 of 2023

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M/s Sai All Solution Patna through its Proprietor Jyoti Kumari (Female), aged about 34 years, Wife of Sonu Kumar at present resident of G/25, P.S. Colony, Beside Sreeram Hospital, P.O. Lohianagar, P.S. Kankarbagh, District-Patna-800020. Permanent resident of Jamuaw, Police Station-Daudnagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
2. The Secretary, State Election Commission, Bihar, Patna.
3. The District Magistrate, Arwal.
4. The Senior Nodle Officer EVM, Training Cell-cum-District Development Officer, Arwal.
5. The Election Officer (Zila Parishad) cum S.D.O., Arwal.
6. The District Panchayat Raj Officer-cum-Deputy Election Officer (Panchayat), Arwal.
7. The Election (Panchayat) Officer cum Block Development Officer, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwanath Pd. Sinha, Sr. Adv. Mr. Md. Najmul Hodda, Advocate.
For the State	:	Ms. Archana Meenakshee (GP 6).
For the S.E.C.	:	Mr. Sanjeev Nikesh, Adv. Mr. Girish Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 16-10-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“(i) For issuance of a writ of mandamus or any other appropriate writ order or direction commanding the respondent authorities to make payment of an



amount of Rs. 4,64,00000/- (four crore and sixty four lacs) to the petitioner as her Firm M/s Sai All Solution has supplied materials goods for Panchayat Election of 2021 in Arwal District on the direction of the respondent authorities.

(ii) For any other appropriate relief or reliefs for which the petitioner may be entitled, deemed fit and proper in the facts and circumstances of the case”.

3. Learned counsel appearing on behalf of the petitioner has stated that during the *panchayat* election, the petitioner has supplied materials as per the direction of the official concerned and submitted his bills. However, out of total amount of Rs. 4,64,00,000/- (four crore and sixty four lakhs rupees) the authorities have only paid an amount of Rs. 43,43,696/- only and the balance amount of Rs. 4,20,56,304/- is yet to be paid. Learned counsel for the petitioner has stated that the authorities instead of verifying the bills submitted by the petitioner and without seeking any clarification from the petitioner have paid an amount of only Rs. 43,43,696/-. Therefore, learned counsel seeks a direction from this Court to direct the official respondents to pay the balance amount due to the petitioner.

4. Per contra the learned counsel for the respondents has stated that the petitioner has submitted inflated bills and



authorities having found that the petitioner has submitted inflated bills have issued show cause notice to the petitioner on 02.02.2023 (Annexure R/2) asking him to submit his explanation but till date the petitioner has not submitted any reply.

5. In reply the learned counsel for the petitioner has stated that the petitioner may be permitted to submit his explanation to the show cause notice along with a representation and supporting documents to substantiate that the amount of Rs. 4,20,56,304/- is payable to the petitioner and an opportunity may be granted to him.

6. Having regard to the above made submission, without going into merits or demerits of the case, this Court is of the opinion that the ends of justice would be met, if the petitioner is given an opportunity to submit his explanation to the show cause notice dated 02.02.2023 (Annexure R/2) and also submit his representation enclosing the necessary documents to substantiate his claim within a period of four weeks from today. On receipt of the explanation, the authority concerned shall consider the same strictly in accordance with law and pass a reasoned order. In case, the authorities comes to the conclusion that the amounts claimed by the petitioner are



genuine and payable, they shall make necessary arrangements for paying the said amounts. In case, the authorities comes to the conclusion that the amounts are not payable, they shall pass a reasoned order giving the reasons for rejecting the claim of the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. It is needless to mention that before passing any order, the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the party.

7. With the above directions, the present Writ Petition stands disposed off to the extent indicated.

(A. Abhishek Reddy , J)

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