

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16203 of 2016

Valuefirst Digital Media Private Limited (a company incorporated under the provisions of the Companies Act, 1956) having its registered office at 1E/18, 4th Floor, Noble House, Jhandewalan Extension, New Delhi-110055 and having its Corporate office at B-18, Infocity-1, Section 34, Gurgaon Haryana-122001, through its authorized signatory and Manager, Mr. Sagar Batra, Son of Shri Mr. Devki Nandan Batra ... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administrative Department, Government of Bihar, Patna
3. Mission Director, Bihar Prashasnik Sudhar Mission Society, Sinchai Barrack No. 1, Harding Road, Patna 800001, Bihar
4. Additional Mission Director, Bihar Prashasnik Sudhar Mission Society, Sinchai Barrack No. 1, Harding Road, Patna 800001, Bihar
5. Procurement Officer, Bihar Prashasnik Sudhar Mission Society, Sinchai Barrack No. 1, Harding Road, Patna 800001, Bihar
6. Administrative Officer, Bihar Prashasnik Sudhar Mission Society, Sinchai Barrack No. 1, Harding Road, Patna 800001, Bihar ... Respondents

Appearance :

For the Petitioner/s : Mr. Anshuman Singh
For the Respondent/s : Mr. Prabhat Kumar Verma, AAG III with
Mr. Dr. Mankeshwar Tiwari, AC to AAG III

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

5 25-09-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s) :

(i) To issue a writ of mandamus commanding the respondents to make payment of legitimate dues of the petitioner for the services rendered as per the service agreement entered between them.

(ii) To issue writs for any other consequential benefits including an interest of 12% on the unpaid amount till the realization of the said amount.

(iii) To issue any other writ/writs, order/orders, or/and directions as the Hon'ble Court may so please and direct.



3. Learned counsel for the petitioner has stated that an agreement was entered between the parties for issuing bulk SMS at the rate of INR 0.0199 per SMS and the petitioner has provided the services, the respondents have not paid the amounts due to the petitioner. Learned counsel has stated that initially there was an agreement entered between the parties for providing the services of bulk SMS at the rate of INR 0.0199 per SMS and subsequently due to the increase in the operative charges, wages etc. the price of the SMS was increased to INR 0.20 plus 12.36% service tax. The authorities concerned inspite of agreeing to the said proposal for increase in the rate vide Letter No. B.P.S.M.S./Vividh-19/2012 S.NO. 1040, dated 10.11.2012, are not paying the amounts due. That the petitioner has been providing uninterrupted services to the respondents and due to the non-payment of the amounts due to the petitioner, the petitioner is facing huge financial problems and, therefore, prayed this Hon'ble Court to allow the present Writ Petition directing the authorities to make the payment.

4. Per contra, the learned counsel appearing on behalf of the respondents has stated that the present Writ Petition is liable to be dismissed. The authorities are disputing the fact that there was an increase in the rate of SMS service provided by the



petitioner and the respondents have agreed to pay the increased costs. It is further stated that they have already paid the amounts due to the petitioner and no amounts are due. That in case there is dispute with regard to the non-payment of the amounts the remedy of the petitioner is to approach the Civil Court and not by way of Writ Petition. Learned counsel has prayed this Hon'ble Court to dismiss the present Writ Petition.

5. The perusal of the pleadings as well as the documents filed by the parties reveals that an agreement was entered between the parties for providing SMS service at the rate of INR 0.0199 per non-priority SMS and at the rate of INR 0.045 for priority SMS. The quantum of the dues payable to the petitioner cannot be gone into by this Court under Article 226 of the Constitution of India as the same is disputed by the respondents, therefore, this Court is of the opinion that the ends of justice would be met if the petitioner makes a representation to the authorities concerned for paying the admitted amounts at the rate of INR 0.0199 per SMS for non-priority and INR 0.045 per SMS for priority SMS for the period for which the petitioner has provided the services. On such representation being made the authorities concerned shall consider the same and in case the authorities comes to the conclusion that the amounts are payable



they shall make the said payment. The above payment shall be paid within a period of six weeks from the date of receipt of a copy of this order. That in so far as the contention of the petitioner that the authorities have agreed for paying the SMS service at the rate of Rs.0.20 plus 12.36% service tax is a disputed question of fact and the same cannot be gone into by this Court. Therefore, in case the petitioner is so advised, he is at liberty to approach the Civil Court for the said remedy.

6. With the aforesaid observations, this Writ Petition is **disposed off** to the extent indicated.

(A. Abhishek Reddy , J)

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