IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6065 of 2015

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1.1. Kumar Nav Vaibhav Son of Late Saryoo Prasad Singh, Resident of Mohalla- Jodha Nagar, Aurangabad, P.S.- Aurangabad, District- Aurangabad.

1.2. Pankaj Parag Madhup Son of late Saryoo Prasad Singh, Resident of Mohalla- Jodha Nagar, Aurangabad, P.S.- Aurangabad, District- Aurangabad.

1.3. Manju Kumari D/o Late Saryoo Prasad Singh, Resident of Mohalla- Jodha Nagar, Aurangabad, P.S.- Aurangabad, District- Aurangabad.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate Aurangabad
3. D.D.C. Aurangabad.
4. Circle Officer Rafiganj, District- Aurangabad.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, A.C. to G.P.-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

8 15-04-2024 Heard the Learned counsel for the petitioner and the Learned counsel appearing for the respondent-State.

2. The writ petition is filed for directing the respondents to make payment of admitted dues of the petitioner, along with statutory interest till the date of payment, for the work done under plan No. 1/83-84 (04 unit) of Rs. 9135/- and for the work done under plan No. 1/85-86 (10 unit) of Rs. 19164/- as a departmental agent for construction of Harijan Colony.

3. The brief facts culled out of the petition are that

the petitioner was allotted with two work orders as government agent, to execute the work of construction of Harijan Colony in village Bisambharpur (Rafiganj) for which the total expenditure amount was Rs. 65,000/- and 10 units of Harijan Colony construction work, in the same village which total construction amount was Rs. 1,56,000/- vide work order dated 24.06.1986. The petitioner executed the work within the stipulated time and final payments for both of the works were not made and certificate Case Nos. 78/89-90/72-92-93 and 77/89-90/71-92-93 were initiated against the petitioner. In both the said cases orders dated 25.08.1992, 02.09.1992 and 07.09.1992 were passed and the certificate officer closed both the proceedings with findings that Rs. 19,164/- in plan no. 1/85-86 (10 unit Harijan Colony) and Rs. 9135/- in plot no. 1/83-84 (04 unit Harijan Colony) are pending before the respondent authorities for payment to the petitioner. Subsequent to the orders passed by the certificate officer, the petitioner made several representations before the authorities concerned, but in spite of it, no action was taken due to which the petitioner was constrained to prefer the writ application.

4. A detailed counter affidavit was filed by

respondent Nos. 2 to 4 denying all the allegations made in the writ petition. It is admitted by the respondents in their counter affidavit that as per the two work orders, the cost of the plan was for a total amount of Rs. 1,56,000/-. Further, the two proceedings of certificate cases initiated against the petitioner for non-completion of Scheme no. 1/83-84 and 1/85-86 even after getting the money took more than the work, as per the field measurement book. The certificate officer has dropped/closed the proceedings with the finding that the petitioner is entitled for an amount of Rs. 19,164/- and Rs. 9,135/- which are payable by the respondent authority. The counter affidavit, further disclosed that the aforesaid payments have been made to the petitioner vide cheque Nos.031155 and 031154 dated 08.02.2016 to the petitioner's account, existing in the SBI, Branch Rafiganj and after receiving the said payment, a declaration letter dated 08.02.2016 was given by the petitioner to the 4th respondent stating that all due amount has been paid to him and no due amount remains payable to him, as per Annexure-C.

5. It is relevant to mention that during the pendency of the writ petition, the original writ petitioner died on 29.04.2019 and accordingly, his son has been

substituted in his place vide order dated 08.08.2023 passed in I.A. No. 01 of 2023.

6. Rejoinder to the counter affidavit was filed contending that the actual calculation of interest is not properly reflected in the counter affidavit, and the petitioner is entitled for an interest @ of 4% on the due amount of Rs. 9,135/-, further, the interest @ of 4% if calculated from April 1992 to August 2023 then the amount of interest would come to Rs. 31,923/- and on the amount of Rs. 19,164/- @ of 4%, the amount would come to Rs. 66,971/-

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents/State.

8. It is the specific contention of the petitioner that he is entitled for the interest amount as the petitioner has only received the principle amount, subsequent to the filing of the writ petition and, therefore, the petitioner prayed for grant of interest @ of 4% on the principle amount from April 1992 to August, 2023 as per the rejoinder.

9. On the other hand, the Learned counsel for the State contended that after filing of the Writ Petition, the amounts were paid to the original writ petitioner i.e. the father of the present petitioner, who had given an

acknowledgment stating that no more dues remain with the respondents. Learned counsel for the State further referring to the counter affidavit submits that since the payments as awarded by the Certificate officer in Certificate proceeding have already been paid to the petitioner and the Petitioner himself in this regard had submitted his “No dues” declaration to respondent No.4, as per Annexure-C, the claim of the petitioner do not survive anymore and prayed to dismiss the writ petition as devoid of merits.

10. It is also the contention of the State that the interest part for the delayed payment was also made for the said two works i.e. Rs. 7,947/- and Rs. 16,672/- till February, 2016, which would be evident from Annexure-R2/2. Therefore, there is no dues between the petitioner and the department even against the interest part as the interest for the delayed payment was also made to the petitioner.

11. On bare perusal of Annexure-R2/2, it would appear that Rs. 7,947/- and Rs. 16,672/- has been calculated by the department against the interest part from 07.04.1992 to 08.02.2016 and the same has been forwarded to the Circle Officer, Rafiganj for payment to the petitioner on 18.08.2023 vide letter No. 1203, and perhaps, payments would have

been made to the petitioner.

12. On the other hand, the learned counsel for the petitioner submits that he had no instructions as far as receiving of the aforesaid amounts by the petitioner. If the said amounts are not paid, the same may be directed to be paid to the petitioner. At the same time, Learned counsel for the State admits before the Court that if the aforesaid amount has not been paid to the petitioner, the same shall be paid. The Learned counsel for the petitioner has also contended that he has calculated the interest over the interest i.e. compound interest for which he is entitled to.

13. Having regard to the submission advanced on behalf of the respective parties and the stand of the respondent-State against the specific case of petitioner with respect to interest part, more particularly, relying upon Annexure-R-2/2, which clearly depicts that the interest calculation of Rs. 7,947/- and Rs. 16,672/- has been done by the department @ 4% for the delayed payment of the principle amount, which was to the tune of Rs. 9,135 and Rs. 19,164, respectively, for the work done by the petitioner. Accordingly, the letter was forwarded to the Circle Officer, Rafiganj on 18.08.2023 for making necessary payments. This

Court is of the view that the respondents have carried out the *bonafide* exercise of payment of interest upon the Principal amount in favour of the petitioner, which is categorically narrated in Annexure-R2/2 and therefore, the same does not warrant any intereference of this Court. So far as another claim with respect to interest over the interest i.e. compound interest is concerned, this Court would not be persuaded with the submissions of the petitioner and, therefore, the same cannot be granted to the petitioner in absence of any Government Notification/guidelines supporting such claim of the petitioner.

14. 15. Needless to say that if the payment of interest part as discussed above and admitted by the respondent/State, is not paid to the petitioner, the same shall be paid by the respondent authorities to the petitioner forthwith.

15. With the aforesaid observation, this writ petition is disposed of.

(G. Anupama Chakravarthy, J)

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