

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5403 of 2024

Vaishali Tent House through its Proprietor Niharika Kumari, female, aged about 40 years, wife of Niraj Kumar, resident of Anwarpur Chowk, P.S.-Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Election Officer-cum-District Magistrate, Vaishali, District- Vaishali.
3. The Deputy Election Officer, Vaishali.
4. The Additional Collector, District- Vaishali.
5. The District Panchayat Raj Officer, Vaishali.
6. The District Accounts Officer Vaishali, District- Vaishali.
7. Sri Kishore Kamat, Son of not known to the petitioner Posted as District Accounts Officer, Vaishali, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Government Advocate 05

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

Date: 23-09-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

reliefs:-

“That present writ application is being filed praying for issuance of writ of Mandamus directing and commanding upon the respondents to pay the total admitted dues accrued to the petitioner amounting Rs. 15,49,022=37, relating to the work done in the Parliamentary Election 2019 and also directing to pay the total admitted dues accrued to the petitioner amounting Rs. 33,53,296=00, on account of the work done in the Municipal Council/ Local Body Election 2022, which have duly been verified/certified and granted utility certificates thereof by the Authorized Officer/ the Additional Election



Officer deputed for facilitating the said election works; however the District Audit and Accounts Officer, Vaishali had unilaterally deducted about 75%-80% on the said admitted bill amount and sanctioned/paid an amount of Rs. 5,42,345/- and Rs. 8,87,542/- respectively for the above said admitted amount under the bills against the aforesaid work.”

3. It is the case of the petitioner that pursuant to the work order issued by the authorities, the petitioner had supplied necessary materials for the work done during the General Parliamentary Election 2019 and the General Local Bodies Election, 2022. After the completion of the elections, the petitioner has submitted the bills which were duly verified by the authorized officer and to that effect a utility certificates was issued. That the petitioner has submitted a bill to the tune of Rs. 15,49,022=37 with respect to the work done for the General Parliamentary Election 2019 and a bill amounting to Rs. 33,53,296=00 for the Municipal Council/General Local Bodies Election, 2022, the total amount put together is Rs. 48,92,318=37. However, the authorities without putting the petitioner on any notice or calling for any explanation or seeking any clarification have unilaterally reduced the amount of the bill payable to the petitioner by almost 80%.

4. Learned counsel for the petitioner has stated that the petitioner has been paid an amount of only Rs. 5,64,942/- for the work done during the General Election, 2019 and Rs. 8,87,542/- for the work done during the Municipal Council/General Local



Bodies Election, 2022. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently argued that the authorities duly taking into consideration the work done, had verified the work and for that very purpose a four members committee was constituted. The committee has gone into the veracity of the claims made by the petitioner and came to the conclusion that the petitioner was payable an amount of only Rs. 5,64,942/- for the work done during the General Election, 2019 and Rs. 8,87,542/- for the work done during the Municipal Council/General Local Bodies Election, 2022 and the said amounts have already been paid. Learned counsel has stated that in case the petitioner has any grievance, he has to invoke the arbitration clause provided under the agreement but the petitioner without availing the same has straightway come to this Court by way of the present CWJC. Learned counsel has therefore, prayed this Hon'ble Court for dismissing of the present CWJC.

6. Admittedly, as seen from the record, and also the averments made in the pleadings, the petitioner had supplied material at the time of the General Election, 2019 and also at the time of the Municipal Council/General Local Bodies Election,



2022. The fact that the petitioner had supplied various articles is not denied, the fact that the elections were successfully conducted is also not denied. The petitioner immediately after the completion of the work has submitted the bills which were verified by the Additional Election Commissioner/ competent authority. The authorities for reasons best known to them have not paid the bill amounts immediately but on the other hand have constituted a four men committee to verify the bills submitted by the petitioner (Annexure-R/C) in the year 2023. However, it is to be noted that the petitioner was not given any show cause notice by the committee constituted for verification of the bills or given any chance to clarify the bills which were submitted. The four men committee unilaterally has decided to reduce the amount of the bills by approximately 75% to 80%. On what basis the amount of the bills have been reduced is not known as the counter-affidavit filed by the respondents is silent on that aspect. Irrespective of the committee report, the respondents are duty bound to pay the amount of the bills raised by the petitioner for the articles which were supplied. The respondents having entrusted the petitioner with the task of supplying the articles and utilizing the same, cannot thereafter, take a u-turn and refuse to pay the bill amounts for years together. It is the bounden duty of the officials to clear



the bills as soon as the petitioner had submitted her bills. Once a vendor has supplied the goods at an agreed rate, the authorities on their own unilaterally cannot reduce the amounts. Further, it is to be noted that the bills were submitted in the year 2019, but the four men committee was formed only in the year 2023 for verification after lapse of approximately four years which cannot be countenanced. The official respondents instead of acting in a fair and transparent manner are acting in a whimsical manner when it comes to clearing the bills of the vendors. Once the goods are supplied at an agreed rate, the authorities cannot deny the payments on one pretext or the another.

7. Having regard to the above mentioned facts and circumstances, the present writ CWJC is allowed. The respondents are directed to pay the amounts as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the present writ petition stands allowed.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2024.
Transmission Date	NA

