

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12030 of 2021**

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Poonam Devi Wife of Uttam Kumar Sah Resident of Ward No. 23, Station Road, P.S.- Madhepura, District- Madhepura, Proprietor of M/s Uttam Tent and Light Sound House, Station Road, Ward No. 23, Madhepura  
... Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary Govt. of Bihar, Patna.
3. The Chief Election Officer Bihar, Patna.
4. The Additional Chief Secretary Finance Department, Govt. of Bihar, Patna.
5. The Commissioner Kosi Division, Saharsa.
6. The District Magistrate- Cum- District Election Officer Madhepura.
7. The Senior Incharge Officer District Election Office, Madhepura- Cum- District Public Grievances Redressal Officer, Madhepura.
8. The Deputy Election Officer Madhepura. ... Respondents

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**Appearance :**

For the Petitioner : Mr.Prashant Sinha, Adv.  
For the Respondents : Mr.Ajay Kr. Rastogi, AAG X

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

13    18-04-2024                      Heard the parties.

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

*(i) For issuance of writ in the nature of certiorari for quashing of memo no. 289 dated 13-04-2021 issued by the Senior Incharge Officer, District Election Office, Madhepura- Cum-District Public Grievances Redressal Authority, Madhepura whereby the earlier approved bill amount of the petitioner have been reduced from Rs. 3,65,00,000/- to Rs. 1,67,56,388/- in an arbitrary manner without any opportunity to the petitioner to place her claim in support of the bill and it has been communicated that nothing is payable to*



*her now.*

*(ii) For issuance of writ in the nature of certiorari for quashing of memo no. 382 dated 10-06-2021 issued by the Deputy Election Officer, Madhepura whereby it has been communicated that the bills were examined by the three man committee and thereupon by a six man committee constituted by the District Magistrate and nothing is found payable to the petitioner after the amount already paid to her.*

*(iii) For holding that it is arbitrary and illegal on the part of the respondent authorities to reduce the bill amount of the petitioner of Rs. 3,65,00,000/- as approved by the three man committee constituted by the District Magistrate and ordered to be paid by the District Magistrate.*

*(iv) For necessary direction upon the respondent authorities to make payment of the remaining amount of Rs. 2,04,07,165/-, i.e., the remaining bill amount of the petitioner with penal interest @ 18% per annum.*

*(v) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.*

3. Learned counsel for the petitioner has stated that pursuant to work orders issued to the petitioner, the petitioner has supplied necessary articles during election which was conducted in the year 2020 in the State of Bihar. That after the elections were over, the petitioner has submitted his bills along



with requisites documents which were verified by the authorities, however, only part of the bill amount was paid to the petitioner. That the petitioner has given several representations to the authority concerned for making payment of the balance due. That the concerned authority has constituted a three men committee to verify the bills submitted by the petitioner and after due verification, the three men committee has suggested for making payment of Rs.3,65,00,000/-. However, the said amount was not paid due to want of funds and only an amount of Rs.51,94,900/- was paid. In the month of March, 2021, an amount of Rs.26,03,653/- was paid and the petitioner has been doing rounds of the authority concerned since then for the balance amount of Rs.2,04,07,165/-. That the concerned authority thereafter has again constituted a six men committee without rejecting the earlier report given by the three men committee and a memo bearing no. 289, dated 13.04.2021, has been issued to the petitioner that she is not entitled to any balance payment as per the report of the Committee. Learned counsel has stated that the only reason for not paying the amount due to the petitioner is that the petitioner has not supported the bills with work orders, but, as a matter of fact the said work orders were enclosed by the petitioner, but, the same



were not taken into consideration. Learned counsel has stated that without giving an opportunity of hearing to the petitioner to clarify any queries the six men committee has given its report. That the enquiry was held behind the back of the petitioner without putting the petitioner on notice or giving an opportunity of hearing and the same is violative of the principles of natural justice and equity. That the authorities have not given any reason for disbelieving the report of the three men committee. Learned counsel has, therefore, prayed this Hon'ble Court to set aside the impugned memo and direct the authorities to pay the balance bill amount submitted by the petitioner duly taking into account the documents submitted by the petitioner in support of his claim.

4. Per contra the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present Writ Petition as there are disputed questions of fact and further it is argued that it is purely a contractual matter arising out of an agreement between the parties and this Hon'ble Court sitting under Article 226 of the Constitution of India cannot adjudicate the same. counsel for the respondents has argued that the six men committee duly taking into account the bills submitted by the petitioner has



recommended for reduction of the bills and the same does not call for any interference. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present Writ Petition.

5. A perusal of the documents more particularly the documents filed by the petitioner reveal that the authority has initially constituted a three men committee which has given a report recommending that the petitioner is entitled to a sum of Rs.3,65,00,000/-, however, the full amount was not paid to the petitioner. Thereafter, the respondents have taken decision to set-up a six men committee which has submitted report stating that the petitioner is not entitled to payment of any further amount. There is no reason forthcoming as to why the report of the three men committee was disbelieved by the authority and as to why the six men committee has been constituted. More over, as seen from the report neither the six men committee nor the authority concerned has given any prior notice to the petitioner seeking his clarification or any response before issuing the impugned memo rejecting his claim and the same has to be held to be violative of principles of natural justice and equity. Learned counsel for the petitioner has placed on the record several documents to show that the bills submitted by the petitioner very well supported by work orders. Had the



authority given an opportunity to the petitioner he could have clarified the doubts raised by the committee. But the entire exercise has been conducted behind the back of the petitioner, without putting the petitioner on prior notice or giving him an opportunity of submitting his claim or clarifying the doubt, if any, that the committee had. The authorities are expected to act in fair manner whenever they are exercising their power and cannot be expected to behave in an arbitrary way more so after extracting the work from the contractor. Having extracted the work, they are expected to clear the bills in a time bound manner and the contractor should not be denied the payment for years together or take some technical objections for rejecting the claims.

6. Having regard to the above facts and circumstances, this Court is of the opinion that the ends of justice would be served if the impugned memo no. 289, dated 13.04.2021, is set aside the matter remanded back to the authority concerned for reconsidering the bills submitted by the petitioner. Accordingly, memo no. 289, dated 13.04.2021, is set aside. That before taking any decision the authority shall put the petitioner on notice and give her an opportunity of hearing. The authority shall take a decision independently of the report



of the six men committee.

7. The entire exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Any orders passed shall be communicated to the petitioner.

8. With the above direction the Writ Petition stands **disposed of.**

**(A. Abhishek Reddy , J)**

Shamshad/-

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