

Civil Writ Jurisdiction Case No.7603 of 2020

The Click Digital having its registered Corporate Office situated at opposite Naleeni Apartment Nav Rastra Lane, Bhattacharya More, Rajendra Path, Police Station-Pirbahore, District-Patna-800001, represented through its proprietor namely Rajeev Aran, aged about 40 years (Male) Son of Arun Prakash Sinha, Resident of Mohalla-Pirmuhani behind Blind School, Near Dr. Gayan Prakash Clinic, Police Station-Phulwari, District-Patna-800003.

... .. Petitioner/s

Versus

1. The Bihar State Textbook Publishing Corporation Limited, through its Managing Director Pathaya Pustak Bhawan, Budh Marg, Patna.
2. The Managing Director, Bihar State Textbook Publishing Corporation Limited, Pathaya Pustak Bhawan, Budh Marg, Patna.
3. The Secretary, Bihar State Textbook Publishing Corporation Limited, Pathaya Pustak Bhawan, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Sahay Jamuar, Advocate

For the Respondent/

Corporation : Ms.Anukriti Jaipuriyar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 15-02-2024 1. Heard learned counsel for the parties concerned.

2. The petitioner printing press has filed the present writ application through its proprietor for a direction to the respondents to make payment of admitted 5% due amount with statutory interest for the work of printing allotted to the petitioner by the Managing Direction between the Financial Year 2011-12 to 2016-17.

3. Learned counsel for the petitioner submits that 95% of the amount towards the work done by the petitioner has been paid as running bill but 5% amount has not been paid by the



respondent-Corporation, even after verification of the bills of the petitioner. He further submits that the amount of 5% i.e. equivalent to Rs. 8,59,420/-, as admitted by the Corporation, is required to be paid by it with statutory interest.

4. On the other hand, Ms. Jaipuriyar, learned counsel appearing for the Corporation submits that amount of 5%, as demanded by the petitioner against the payment of bill, is not admitted and in fact, the actual admitted amount of the Corporation is Rs. 7,78,514.55. She further submits that the Corporation is unable to pay the amount due to the fact that a Vigilance inquiry is being conducted against the Corporation relating to allotment of contracts for the period 2011-12 to 2017-18. The entire documents have been seized by the Vigilance Department. She also submits that since the matter is pending inquiry before the Vigilance Department, in which, payment criteria is also one of the points of investigation, as such, the Corporation, despite having accepted the amount of Rs. 7,78,514.55, is not in a position to pay the same.

5. Heard learned counsel for the parties. There is an admitted position that the petitioner has performed the work assigned to it by the Corporation, as per contract agreement and 95% of the running bill towards the work done has been paid to



the petitioner and 5% amount is yet to be paid by the respondent-Corporation amounting to a sum of Rs. 7,78,514.55. The Vigilance inquiry is going on for a long period. The amount due cannot be withheld on the ground of inquiry, which is going on for an indefinite period. Accordingly, the interest of justice demands that the petitioner should be paid the admitted amount of Rs.7,78,514.55. The petitioner has failed to produce any statutory provision and/ or contractual provision for grant of interest, accordingly, no interest upon the said amount of Rs. 7,78,514.55 is payable to the petitioner. As a result, the Corporation is directed to pay the admitted amount of Rs. 7,78,514.55 to the petitioner, within a period of four weeks from today.

6. The present writ application stands disposed off on the aforesaid terms.

(Anil Kumar Sinha, J)

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