

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8110 of 2024

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1. M/S CRG Nirmala Enterprises A Partnerships Firm, having its registered office at 2nd Floor, Above Mittal Stationery Mart, Opposite B.N. College, Ashok Rajpath, Patna- 800004, through one of its partners, Mr. Vikrant Kumar, S/O Late Pradeep Kumar, resident of C-202, Raj Kishori Complex, Bahadurpur Gumti, Kankarbagh, Patna-800020.
 2. M/s Crg Nirmala Enterprises Above Mittal Stationary Mart opposite B N College Ashok Rajpath Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
2. The District Magistrate Purnea.
3. The District Planning Officer Purnea.
4. The District Education Officer Purnea.
5. The CEO, NITI Ayog Sansad Marg, New Delhi- 110011.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Singh, Advocate
For the Respondent/s : Mr. Government Advocate (5)

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

2 30-09-2024 Heard the parties.

2. The present writ petition has been filed for grant of
the following reliefs.

*“i. To issue a writ of
Mandamus/direction directing the District
Education Officer, Purnea, to immediately
complete the physical and quality
verification of the stock list; receipt; high
quality photo album containing photos of the
book-shelf along with the beneficiary; and of
the book-shelf installed in the library which
has been supplied by the petitioner in*



pursuance of Contract No. GEMC-511687752647390, executed in light of the Tender Bid Number: GEM/2022/B/2768571, dated 22.11.2022 (also contained Letter no. 998, dated 21.11.2022 of the District Magistrate, Purnea) and submit a report to the District Planning Officer, Purnea;

ii. To issue a writ of Mandamus/direction directing the District Magistrate, Purnea, to give financial approval for the payment of Rs. 46,19,130/- (Forty-six Lacs, Nineteen Thousand, One Hundred and Thirty Only/-) which has become payable to the petitioner immediately on 11.05.2023 upon completion of supply of the 237 book-shelf in accordance with the terms of the 'Tender'.

iii. To issue a writ of Mandamus or any other appropriate writ directing the respondents to immediately release payment of Rs. 46,19,130/- (Forty-Six Lacs, Nineteen Thousand, One Hundred and Thirty Only/-) in favor of the petitioner for supply of 237 book-shelf to the respondents;

iv. To direct the District Magistrate, Purnea, to pay interest @12% on Rs. 46,19,130/- (Forty-Six Lacs Nineteen Thousand One Hundred and Thirty Only/-) from 01.06.2023 i.e. expiry of reasonable time from the date of supply up to the date of actual payment, as upon promise made by the Respondent Authority, petitioner supplied 237 book-shelf and incurred expenses and has not been paid the consideration amount



as a result of which the petitioner is facing enumerable hardships and difficulties in the nature of over burdening of financial liabilities and maintenance expenses;

v. To direct the District Magistrate, Purnea, to pay Rs. 25,000/- to the petitioner for the mental harassment which the petitioner has undergone for last one year;

vi. Issuance of any other writ(s), order(s) or direction(s) as may be deemed fit and proper by this Hon'ble Court.

3. Learned counsel for the petitioner has stated that the bills of the petitioners have not been cleared by the respondent authority on the sole ground that the District Education Officer Purnea, is yet to complete the verification of the goods supplied by the petitioner. Learned counsel has stated that the Respondent No. 4 has received a letter from the Respondent No. 3 on 26.05.2023 and 05.10.2023 to inspect the goods supplied by the petitioner and send a report. Though more than 16 months have elapsed, the Respondent No. 4 is yet to send a report to the Respondent No. 3. Learned counsel therefore seeks a direction to the Respondent No. 4 to complete the enquiry and submit a report to the Respondent No. 3 at the earliest.

4. Learned counsel for the petitioner has stated that he has no objection if a direction is given to the District Education



Officer (Respondent No. 4) to complete the enquiry and submit a report to the Respondent No. 3.

5. Having regard to the above submissions, the present writ petition is disposed of, directing the Respondent No. 4 to complete the enquiry and submit a report to the Respondent No. 3 as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. On receipt of the report by the District Education Officer (Respondent No. 4) the District Planning Officer i.e. respondent no. 3 shall make the necessary payments to the petitioner within a period of eight weeks thereof.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

Ankit Kumar/-

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