

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13520 of 2023

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Lalan Kumar Mishra Son of Bhuneshwar Mishra Resident of Bidupur Bazzar,
Bidupur, Vaishali, Bihar-844503

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Patna.
2. The Deputy Secretary to the Government, Minor Water Resources Department, Govt. of Bihar, Patna.
3. The Distirct Magistrate, Begusarai
4. The Deputy Development Commissioner, Begusarai.
5. The Director, District Rural Developemnt Agency, Begusarai.
6. The Block Development Officer, Barauni, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nikhil Kumar Agrawal
For the Respondent/s : Mr.Kapileshwar Prasad Yadav (Gp 11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 01-03-2024 1. The petitioner has filed the present writ application for a direction to the respondent authorities to pay the admitted dues of Rs. 4,24,278/- towards the work of sinking bore well done by the petitioner on the lands selected by the respondent authorities for the farmers of Barauni Block, Begusarai. The work was completed on 31.03.1991 and the bill thereof of Rs. 4,24,278/- was submitted immediately. The petitioner has further prayed for payment of compound interest on delayed payment at the rate of 9% per annum from the date of completion of work till the date of actual payment.



2. Learned counsel for the petitioner submits that petitioner is a contractor and has installed several bore well pumps in Barauni Block situated in the district - Begusarai pursuant to work order allotted to the petitioner by the Minor Water Resources Department, Government of Bihar. Learned counsel relies upon the judgment of a Co-ordinate Bench of this Court rendered in CWJC No. 3138 of 2023 & CWJC No. 5533 of 2023 and submits that in identical matter this Court has granted simple interest @ 7% per annum on the delayed payment from the date of submission of bills till the date of actual payment of the amount.

3. On the other hand, learned counsel for the State submits that as per the statement made in paragraph no. 19 of the counter affidavit the authorities are ready to make payment of the admitted dues but there is no provision for payment of interest on delayed payment as per the contract agreement. The petitioner was not vigilant and has approached this Court after long delay of three decades.

4. On the other hand, learned counsel for the petitioner in reply submits that the petitioner filed several representations for payment of his admitted dues but the authorities did not take any action regarding payment of admitted dues towards the



work done, however, the moment the authorities have accepted that petitioner is entitled for payment of admitted dues, delay becomes immaterial.

5. Regard being had to the submission made by the parties, taking into consideration the fact that the respondent authorities have admitted the dues payable to the petitioner accordingly the respondent no. 6 / Block Development Officer, Barauni, Begusarai is directed to pay the admitted dues of the petitioner to the tune of Rs. 4,24,278/- with 7% simple interest per annum to be calculated from the date of submission of bill till the date of actual payment. If payment is not made within three months from today, the same will carry simple interest at the rate of 9% per annum.

6. With the aforesaid observation and direction, the application stands disposed of.

(Anil Kumar Sinha, J)

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