

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.75 of 2025

In

Civil Writ Jurisdiction Case No.5645 of 2024

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1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
 2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
 3. The State Election Commission, Bihar through its Secretary, State Election Commission, Bihar, Government of Bihar, Patna.
 4. The Secretary, State Election Commission, Bihar, Government of Bihar, Patna.
 5. The District Election Officer-cum-District Magistrate, Sitamarhi, Bihar.
 6. The District Deputy Election Officer (Panchayat)-cum-District Panchayati Raj Officer, Sitamarhi.

... .. Appellant/s

Versus

M/s R.K. Tech a Proprietorship firm having its registered office at NH-28A, Bankat Bairiya, Police Station Muffasil, Post Office Motihari, District East Champaran 845401 through its Proprietor Mr. Raj Kumar Tripathi (male), aged about 44 years, son of Ram Babu Tripathi, resident of Rajpur, Post Office Rajpur, Police Station, Kesaria, District East Champaran, Bihar - 845432.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sajid Salim Khan, Sr. Adv. Ms. Prakritita Sharma, Adv.
For the Respondent/s	:	Mr. Ashish Giri, Sr. Adv. Ms. Riya Giri, Adv. Mr. Sumit Kumar Jha, Adv.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 17-04-2025

Re: Interlocutory Application No. 02/2025.

The aforementioned interlocutory application has
been pressed for condoning the delay of 96 days in filing



this appeal.

2. For the reasons stated in the application, the delay is condoned.

3. Interlocutory Application No.02 of 2025 stands allowed.

LPA No. 75/2025

4. Heard Mr. Sajid Salim Khan, the learned Senior Advocate for the appellants/State and Mr. Ashish Giri, the learned Senior Advocate for the respondent.

5. Mr. Khan, appearing for the State has assailed the judgment impugned dated 10.09.2024 passed in CWJC No. 5645 of 2024 whereby the learned Single Judge has directed the State to make total payments to the respondent/writ petitioner as per the bills submitted by him as expeditiously as possible, preferably within a period of 08 weeks from the date of receipt of a copy of the order, referred to above.

6. The respondent, represented here by Mr. Giri, had been entrusted with the work of preparing the voters



list, Photo IDs and other cognate matters related to the election. After the completion of the work and after having obtained the completion certificate by the concerned authority of the State, bills were submitted for final clearance but the same would not be cleared by the State. Since no reasons were also assigned for delay in clearing the bills, the respondent sought an information through the mechanism of R.T.I. as to the reason for the payments not forthcoming in his account against the bills submitted by him. The R.T.I. information to him disclosed that perhaps the bills were not cleared because of the respondent not having furnished a utilization certificate in form 'K'.

7. The respondent thereafter approached this Court for a direction to the State to make payments to the respondent /writ petitioner against the work completed by him.

8. In the writ proceeding, it was urged on behalf of the State that though completion certificate was



granted by one of the authorities of the State/appellants but in order to ensure that payments do not go to the wrong hands or more money is not paid to a contractor, a committee was constituted to evaluate the work, specially with respect to the completion of the work which was assigned to the contractor.

9. The committee after evaluation, responded that the only amount which was payable to the respondent was around Forty Lakhs and odd, out of which Twenty Lakhs and odd had already been received by the respondent.

10. Mr. Giri vehemently argued that the learned Single Judge had taken note of the fact that behind the back of respondent, an enquiry was conducted by a three-men committee, which came out with a report that certain documents necessary for clearing the bills of respondent were not filed along with the bills, specially form 'K'. Further contention of Mr. Giri is that aforementioned form 'K' is lying with the appellants/State and not with him. The



demand for such a document only tantamounts to asking the respondent to do something impossible for defeating his rightful claim of getting his bills cleared for the work which he has completed to the satisfaction of everybody.

11. After hearing the arguments on behalf of the parties and after going through the judgment impugned, we are of the view that straightaway, the appellants ought not to have been asked to make payment of the bills submitted by the respondent, without getting it cross-checked whether the bills were rightly raised, whether the report of the committee was genuine and that whether the respondent had complied with all the obligations which he was entrusted with.

12. True it is that the committee went for an evaluation behind the back of the respondent but then, once a report of a committee, specially constituted for the purposes, is on record, it would only have been fair and prudent to give one opportunity to the respondent to explain his cause after he was made known of the lapses,



if any and then only a decision ought to have been taken.

13. Considering this aspect of the matter, we modify the judgment impugned to the extent that a notice shall be sent to the respondent/writ petitioner by the appellants /State within a period of 15 days, to be counted from today, intimating him the reasons for not clearing the bills submitted by him and after the explanation is provided, a decision shall be taken within a further period of 21 days, to be counted from the date of receipt of explanation of the respondent. Whichever order would be passed by the concerned authority, that shall be communicated to the respondent forthwith.

14. We also make it clear that while undertaking this exercise, the State/appellants would not ask for unnecessary documents from the respondent which they themselves are in possession of and would not resort to knit picking over minor issues. If at all, the payments against the bills are required to be made, that shall be paid forthwith without any further delay.



15. With the aforementioned modification in the
impugned judgment, the appeal stands disposed of.

16. The interlocutory application/s, if any, also
stands disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

sunilkumar/-

AFR/NAFR	NAFR
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