

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12640 of 2018

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M/s S. N. Suppliers Agency Son of Late Bishwanath Prasad, Resident of
Village P.O.- Hanuman Nagar, P.S.- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Executive Director, State Health, Society, Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Manoj Kumar Yadav, AC to GA 10
For Respondent No.3	:	Mr. K. K. Sinha, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

- 3 07-07-2025 1. The Writ petition is filed seeking direction to the respondents, to pay the interest for an amount of Rs. 9,70,700/- from May, 2013 onward.
2. The brief facts of the Writ petition is that the petitioner is a registered contractor through its proprietor.
3. An order was passed by the respondent/Civil Surgeon-cum-Medical Officer, East Champaran, Motihari wherein petitioner was directed to supply medicine and other articles as per the rate recommended by the State Health



Committee, Bihar, Patna. Accordingly, the petitioner had supplied the medicine on 02.07.2013 which was received by the Chief Medical Officer, for amount of Rs. 9,70,700/- but the payment were not made to the petitioner. The petitioner has made several applications before the authority, for payment of his bills. Due to non-payment, the petitioner was constrained to file a Writ petition bearing CWJC No. 6044 of 2014. Pursuant to the orders in the said Writ petition an amount of Rs. 4,14,750/- was paid to the petitioner. Subsequently, petitioner preferred CWJC No. 9053 of 2016 which was disposed of on 14.02.2017. Thereafter, the Respondents have paid the balance amount, in the year 2018 but the interest was not paid to the petitioner.

4. A detailed counter affidavit was filed by the respondent nos. 1, 2 and 3. The counter affidavit of respondent no. 1 disclose that petitioner under the agreement with the Civil Surgeon had supplied medicine and claimed interest over the amount paid, for the delayed



payment. The counter affidavit of respondent no. 3 disclose that the petitioner cannot travel beyond the terms and conditions of Annexure 1 which was an agreement. Further, the counter disclose that the entire amount was paid to the petitioner, therefore, prayed to dismiss the Writ petition.

5. Heard the Learned counsel for the petitioner and Learned counsel for the respondents.

6. The specific contention of the Learned counsel for the respondents that the entire amount which was due to the petitioner was paid to the petitioner in the year 2018 itself. Further the agreement do not contain any clause, to pay interest on delayed payment. It is purely a question of fact. Therefore, this Court is of the considered view that the petitioner shall make proper representation before the concerned authority within one month from the date of receipt of the order. In turn the authority shall pass appropriate order, within three months from the date of representation, considering the merits of



the case.

7. With the aforesaid observation, the Writ
petition stands disposed of.

(G. Anupama Chakravarthy, J)

Ranjeet/-

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