

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8092 of 2024

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M/s A.M. Solutions through its Proprietor Sri Kumar Abhishek, Age- 35 Male
S/o- Shashi Bhushan Singh, R/o- 402, R.K.M. Regency Ram Nagari, P.S.-
Rajiv Nagar, Dist.- Patna 800025, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Old Secretariat, Patna.
2. The Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Additional Chief Secretary, SC/ST Welfare Department, Govt of Bihar, Old Secretariat, Patna.
4. The Director, SC/ST Welfare Department, Govt of Bihar, Old Secretariat, Patna.
5. The District Magistrate, Madhubani, Bihar.
6. The D.D.C., Madhubani, Bihar.
7. The District Welfare Officer, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate.
For the Respondent/s : Mr. Government Pleader 11.

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

2 07-01-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“(i) To issue an appropriate writ, order or direction for quashing Memo No.-667 dated 19.03.2024 issued by Respondent District Welfare Officer, Madhubani rejecting the payment of the Petitioner on the ground of the Bill by the Petitioner has not been submitted through GEM portal.
ii) To issue an appropriate



writ, order or direction commanding the Respondents specially Respondent District Welfare Officer, Madhubani to pay the Bills submitted by the petitioner for Rs/-11,74,000/- (Eleven Lacs Seventy four Thousand) against the Supply Work of quoted Materials Completed/made by the petitioner in 30.05.2023 itself with respect to the supply of various sports and cultural items/Products fully described under Contract/Order No-GEMC-511687763194033 Dated 11.05.2023 with statutory interest.

(iii) To issue further appropriate, writ, order or direction also directing the Respondent Authorities to make available the payments of the petitioner forthwith with statutory interest as unnecessary long delay has already been caused by the Respondents in making the payments to the petitioner which has caused irreparable loss and injury to the petitioner and his business establishment.

(iv) This Hon'ble Court may adjudicate and hold that it was the duty of the Respondent District Welfare Officer. Madhubani to direct the Petitioner to submit the Bill through GEM Portal before passing the Bill/within 6 months of the submission of Bills.

(v) This Hon'ble Court may adjudicate and hold that it was the duty of the Respondent to pay the bills of the petitioner soon after the completion of Supply work and submission of bill and as such any delay in making the bill payment to the petitioner, is an act of



malafide and arbitrary exercise of the authority by the Respondents.

(vi) This Hon'ble Court may further adjudicate and hold that if the supply work was completed by the petitioner promptly on account of work order issued by the district welfare Officer, Madhubani under Order No.GEMC- 511687763194033 Dated 11.05.2023, and the payment of the supply work was necessarily required to be made forth with failing which no contractor in future will except this kind of Emergent work.

(vii) This Hon'ble Court may further adjudicate and hold that petitioner is entitled for the suitable compensation for the loss and the damages caused to the petitioner due to delay and latches caused by the Respondents in making such an inordinate delay in the payment of admitted dues of the Petitioner.

(viii) This Hon'ble court may further adjudicate and hold that Respondents in the peculiar facts and the circumstances of the case are duty bound to make the payment of the work done by the petitioner and his admitted dues particularly by the Respondent District Welfare Officer, Madhubani.

(ix) To award the cost of litigation and suitable compensation for the loss and the damages caused by the Respondents in making such a long delay and the apparent loss to the business of the petitioner.”

3. Learned counsel appearing on behalf of the



petitioner has stated that the authorities have rejected the bill submitted by the petitioner for supply of the sports and cultural items solely on the ground that the petitioner has not dispatched the goods through the GEM Portal. It is further stated that the authorities have taken stand in the counter affidavit stating that had the petitioner dispatched the goods through the GEM Portal, the purchaser could have uploaded the CRAC (consignee receipt and acceptance certificate) and only then the bill could have been generated on the GEM Portal but, the petitioner has not followed above procedure. Learned counsel has stated that there is no dispute with regard to the supply of the sports and cultural items to the purchaser and the petitioner will complete the formalities on the GEM Portal and he may be given an opportunity to upload dispatch of the goods through the GEM Portal.

4. Having regard to the fact that there is no dispute with regard to the supply of the goods but the only reason for not making the payment due to the petitioner for the supplied goods is that the petitioner has not submitted the goods through the GEM Portal, the present writ petition is disposed of granting liberty to the petitioner to upload on the GEM Portal the goods supplied to the purchaser and on such uploading on the GEM



Portal, the authorities are directed to complete the other formalities and make the necessary payments to the petitioner. The petitioner is granted the period of two weeks for completing the above process and thereafter, the authorities are directed to make necessary payments within a period of eight weeks thereof.

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

(A. Abhishek Reddy, J)

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