

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9595 of 2023

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Nandulal Jaiswal Son of Vanshidhar Jaiswal, Proprietor of the Firm Jaiswal Tent House, Resident of Village- Mahabir Asthan, Purab Mohalla Gurudwara, Police Station - Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Election Commission, Bihar, Patna through its Secretary, Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, Kaimur at Bhabua.
3. The District Panchayat Rajya Officer, Kaimur at Bhabua.
4. The Deputy Election Officer Incharge, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwary, Adv.
For State Election Comm:	:	Mr. Girish Pandey, Adv.
For the Respondent/s	:	Mr. Ajay Behari Sinha (Ga8)

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

8 06-02-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

“1. That the petitioner has filed the present writ application for issuance of appropriate order/orders, direction/directions commanding and directing upon the Respondent concerned specially Respondent District Magistrate -cum-District Election Officer (Panchayat) Kaimur, Bhabua to pay the due cost of Rs. 6,49,480/- for erecting tent/Pandal during course of Panchayat Election 2011 for purpose of providing residential facilities to the police force who were engaged for Panchayat Election Works since 16.04.2021 to 28.04.2011 and petitioner submitted Bills and vouchers of payment of aforesaid amount but Respondents District Magistrate has only approved the cost incurred by petitioner since 16.04.2021 to 20.04.2011 amounting of Rs. 2,49,525/- only but when the petitioner made claim for payment of rest of the period then Respondent district Panchayat Rajya Officer, Kaimur, Bhabua considered the claim and admitted that



petitioner, has suffered monetary loss and as such his claim may be re considered and thereafter petitioner is continuously pursuing before the Respondent authorities but till date no final decision has been taken. ”

3. It is the case of the petitioner that he has supplied necessary material during the panchayat election held in the year 2011, the petitioner has supplied the material like tent, chairs, table etc. from 16.04.2011 to 28.04.2011 and raised the bill amounting of Rs. 6,49,480/-. However, the respondent authorities have calculated the amount to the tune of only Rs. 2,49,525/- for the period from 16.04.2011 to 20.04.2011.

4. Learned counsel appearing on behalf of the petitioner has stated that subsequently on the representation made by the petitioner, the District Panchayati Raj Officer after due verification has issued the letter dated 28.07.2012 (Annexure-2/A) stating that the petitioner has actually supplied the material for the period 16.04.2011 till 28.04.2011 and that the necessary bills were also submitted by the petitioner. That the sanctioning of the payment of an amount of Rs. 2,49,525/- is only for the period 16.04.2011 till 20.04.2011 and, therefore, has recommended for reconsideration of the above. However, the authorities without considering the same, have tried to pay an amount of only Rs. 2,49,525/-. Learned counsel has further stated that the petitioner has suffered huge loss due to the delay in payment of the amount and in case the competent authorities



takes into consideration the letter issued by the District Panchayati Raj Officer, Kaimur (Bhabhua), the actual payment due to the petitioner will be Rs. 6,49,480/-. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition.

5. *Per contra*, the learned counsel for the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner himself has given a sworn affidavit stating that he is happy to receive the amount of Rs. 2,49,525/- and he will not approach any Court in future for further amounts (Annexure-R/3). Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly, in the present case, as per the averments made by the petitioner and also the documents relied by him, more particularly, Annexure-/2A dated 28.07.2012 bearing letter No. 712/Pan which has been addressed to the petitioner by the District Panchayati Raj Officer, Kaimur (Bhabhua), it is admitted therein that the petitioner has supplied the material from period 16.04.2011 till 20.04.2011 and not restricted to 16.04.2011 to 28.04.2011 and if the same is re-calculated, the total bills will come to Rs. 6,49,480/- and not Rs. 2,49,525/-. However, the authority concerned has not taken the



said letter into consideration while calculating the amount payable to the petitioner. Once, it is admitted that the petitioner has supplied the material for the period 16.04.2011 till 28.04.2011, the authorities are obligated to calculate the amount payable to the petitioner for the material supplied for the above period only, they cannot curtail the number of days the petitioner has supplied the material i.e., from 16.04.2011 till 20.04.2011. That in so far as the affidavit of the petitioner submitted wherein he has accepted that he will accept only Rs. 2,49,525/- is concerned, the same cannot be taken into consideration when the records speaks otherwise. The petitioner might have given the same under duress and coercion as the said affidavit is of the year 2021 whereas the actual supply of the material is of the year 2011.

7. Having regard to the above mentioned facts and circumstances, the authorities are directed to re-calculate the amount payable to the petitioner from 16.04.2011 till 28.04.2011 duly taking into consideration the letter issued by the District Panchayati Raj Officer (Annexure-2/A) and pay the amount to the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. In case the authorities do not pay the due amount



to the petitioner within the stipulated time granted by this Court, the petitioner would be entitled for simple interest at rate of 8% per annum from the date of submitting the bills till the date of actual realisation.

8. With the above direction, the present writ petition stands allowed to the extend indicated.

(A. Abhishek Reddy, J)

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