

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11214 of 2024

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Upendra Kumar Sharma Son of Sri Purushottam Sharma, Proprietor of M/s Narayani Printers, Near S.B.I. Bank, West Patel Nagar, P.S.-Shashtri Nagar, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Bihar State Textbook Publishing Corporation Limited through its Managing Director, Budh Marg, Patna.
4. The Managing Director, Bihar State Textbook Publishing Corporation Limited, Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Adv.
For the Respondent/s	:	Mr. Government Advocate (8)
For the State	:	Mr. Ajay Bihari Sinha, GA8
For the Corporation	:	Mr. Naresh Dikshit, Adv.

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

7 11-09-2025 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

“That, this writ petition is for direction to respondent authorities for the payment of admitted due amount of contract amounting Rs. 22,64,135 (Twenty Two Lakh Sixty Four Thousand and One Hundred Thirty Five) and Rs. 44,331 (Forty Four thousand and Three Hundred Thirty One), which remains unpaid till date maliciously and arbitrarily with interest on delayed payment at the market rate



without consuming more time in response to ratio decided by the Hon'ble High Court in C.W.J.C. No. 7603 of 2020 on 15.02.2024 and grant him same and similar treatment and for other necessary relief/ relief's on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter."

3. Learned counsel for the petitioner submits that the authorities have withheld an amount of approximately Rs. 22,64,135 (Twenty Two Lakh Sixty Four Thousand and One Hundred Thirty Five) only and Rs. 44,331 (Forty Four Thousand and three Hundred Thirty One) till date and the same are not being paid on the ground that the vigilance inquiry is going on. Learned counsel for the petitioner submits that under similar circumstances this Hon'ble Court in C.W.J.C. No. 7603 of 2020 has directed the authorities to pay the amount and learned counsel, therefore, prayed this Hon'ble Court to allow the present writ petition and consequently direct the authorities to pay the necessary payments.

4. *Per contra*, the learned counsel appearing on behalf of the Respondent No. 3 and 4 has vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the 5 % of the total bill has been withheld as the payment to the printers and publishers and matter is under



investigation by the vigilance department on the basis of some complaints received with regard to the quality of the paper, print material, utilization of the paper and size of the books done by the printers and publishers. Learned counsel submits that the order passed by the learned single judge in C.W.J.C. No. 7603 of 2020 has been assailed in the LPA No. 265 of 2024 and the same is pending adjudication. Learned counsel, therefore, submits that the present writ petition may be dismissed.

5. In the counter affidavit filed by the respondents at Para 6 and 7, it is stated as under:

“6. That in response to the earlier paragraphs under reply, it is further submitted that by perusal of detailed calculation sheet of the petitioner, it has come to the notice of the corporation that only a sum of Rs. 22,64,135/- under the SSA work and Rs. 44,331/- under the Job work have been withheld by the corporation against the petitioner, which becomes evident from the detailed calculation sheet as annexed herewith.

7. That it is submitted that it is a matter of record and does not require any comment, save and except that only 5% has been withheld since the matter is pending for investigation by the vigilance department and it is not proper to release the same before final finding of the vigilance department.”



6. Admittedly as seen from the record, the investigation is pending inquiry by the vigilance department from the year 2017 onwards and it is not known as to how many more years will take place for the inquiry to be completed.

7. This Court in C.W.J.C. No. 7603 of 2020 under similar circumstances has held as under:

“Heard learned counsel for the parties. There is an admitted position that the petitioner has performed the work assigned to it by the Corporation, as per contract agreement and 95% of the running bill towards the work done has been paid to the petitioner and 5% amount is yet to be paid by the respondent-Corporation amounting to a sum of Rs. 7,78,514.55. The Vigilance inquiry is going on for a long period. The amount due cannot be withheld on the ground of inquiry, which is going on for an indefinite period. Accordingly, the interest of justice demands that the petitioner should be paid the admitted amount of Rs. 7,78,514.55. The petitioner has failed to produce any statutory provision and/ or contractual provision for grant of interest, accordingly, no interest upon the said amount of Rs. 7,78,514.55 is payable to the petitioner. As a result, the Corporation is directed to pay the admitted amount of Rs. 7,78,514.55 to the petitioner, within a period of four weeks from today.”



8. Having regard to the same, the present writ petition is allowed directing the Respondent Nos. 3 and 4 to make the payment of the amount due to the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the copy of this order. However, it is made clear that the payment of the amount to the petitioner shall be subject to the result of the final orders likely to be passed by this Hon'ble Court in LPA No. 265 of 2024. The petitioner shall file an undertaking before the authority concerned stating that in case any adverse orders are passed in LPA No. 265 of 2024, the petitioner shall repay the amount which has been paid by the Respondent Nos. 3 and 4 pursuant to the orders of this Court.

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

(A. Abhishek Reddy , J)

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