

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.717 of 2024
In
Civil Writ Jurisdiction Case No.13380 of 2023

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1. The State of Bihar through the Principal Secretary, Minor Water Resources Department Government of Bihar, Patna.
 2. The Deputy Secretary to Government, Minor Water Resources Department, Government of Bihar, Patna.
 3. The District Magistrate, Begusarai.
 4. The Deputy Development Commissioner, Begusarai.
 5. The Director, District Rural Development Agency, Begusarai.
 6. The Block Development Officer, Teghra, Begusarai.

... .. Appellant/s

Versus

Ram Sagar Pathak, Son of Shrikant Pathak, resident of Ward No. 5, Ram Nagar, Bahdarpur, Begusarai, Dhabauli, Bihar - 851129.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pankaj Kumar Singh (A.C. to G.A.9)
For the Respondent/s	:	Ms. Shama Sinha, Advocate Mr.Nikhil Kumar Agrawal, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 27-01-2025

Re.: I.A. No. 2 of 2024

Mr. Pankaj Kumar Singh, learned Advocate for the appellants, presses afore-noted interlocutory application for condoning the delay of 110 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 110 days in preferring this appeal is condoned.



3. I.A.No. 2 of 2024 stands allowed.

Re.: L.P.A.No. 717 of 2024

4. The appellants/State is aggrieved by the order passed by the learned Single Judge dated 01.03.2024 in CWJC No. 13380 of 2023 whereby, not only the admitted dues of the respondent has been directed to be paid forthwith but a direction has also been issued to pay an interest on such amount with 7% simple interest, to be reckoned from the date of submission of bill till the date of actual payment. The order further stipulates that in case the payment is not made within three months from the date of passing of the order, the same will carry simple interest @ 9% per annum.

5. The learned Advocate for the appellants questions the correctness of this decision mainly with respect to payment of interest because even though the dues are admitted, the writ petition was filed on 22.07.2024. The bills were furnished a long time ago. For some reason or the other, the sufficiency of which has not been gone into by the learned Single Judge, the payment could not be made. Under such circumstances, it was argued that saddling the State with 7% simple interest for such a long period is not correct.

6. Responding to the afore-noted contention, Ms. Shama Sinha, learned Advocate for the respondent



submits that the claim of the respondent may be 30 years old but the respondent had not been sleeping over the matter. The channel of communication between the respondent and the State continued ever since the claim against the State in favour of the respondent fell due.

7. It is a case with respect to the dues having occurred in the year 1990-91.

8. However, we find that the last of the communication between D.D.C., Begusarai and the other authority of the Government is in the year 2023, which could be inferred as an admission of the claim of the respondent of the amount of Rs. 4,45,987/-.

9. With respect to the challenge to the order passed by the learned Single Judge regarding direction for interest to be paid from the date when the bills were furnished, it has been submitted that in ***Madras Port Trust v. Hymanshu International by its proprietor V. Venkatadri(dead) by L.R.S, (1979) 4 SCC 176***, the Supreme Court, way-back in the year 1979, has cautioned that in case the claim of a person is just and not disputed by the State, there would be no reason for holding such claim to be time barred for any reason whatsoever.

10. There is no difficulty on the part of the State to make payment of Rs. 4,45,987/- to the respondent to



which he is entitled but then, we deem it appropriate, considering it to be a claim which accrued 30 years ago, to pay simple interest @ 7% per annum to be reckoned from 15.09.2020 only, thereby counting three years before the date when the respondent approached this Court under the writ jurisdiction in view of the judgment of the Supreme Court in **Union of India & Ors. v. Tarsem Singh, (2008) 8 SCC 648.**

11. The money along with the interest from the afore-noted period shall be paid to the respondent positively within a period of four weeks.

12. The appeal stands disposed of accordingly with the afore-noted modification in the order of the learned Single Judge.

13. Interlocutory application(s), if any, shall stand closed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sujit/Krishna

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2025
Transmission Date	

