

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12940 of 2024

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Vijay Kumar Sharma S/o. Late Nageshwar Nath Sharma R/o. Village-
Sandalpur Main Road, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Nagar Parishad, Raxaul, through the Executive Officer, Motihari, East Champaran.
5. The Executive Officer, Nagar Parishad, Raxaul, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Namrata Mishra
For the Respondent/s : Mr. Government Advocate (3)

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

8 08-10-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“I. For direction to the Respondent no. 5 to immediately pay to the petitioner, the bill amount of Rs. 58,34,732.00 towards supply and installation of 92 no. of portable biol toilets to Nagar Parishad, Raxaul in the light of supply order issued by the Respondent no.5 vide letter no.519 dated 29.05.2018.

II. Further for direction to the Respondent no.5 to make the payment of his dues with penal interest @ 18% and duly compensate for the physical and mental harassment suffered by him, besides, the cost of litigation thrust upon him.

(III). For any other appropriate relief/reliefs to which the petitioner is found



entitled in the facts and circumstances of this case.”

3. It is the case of the petitioner that pursuant to the short-time Quotation Invitation Notice No. 12/2017-2018 issued by the office of the respondent No. 5, the petitioner has applied and was selected for supply of the portable bio toilets vide Letter No. 519 dated 29.05.2018. That the petitioner has installed 92 numbers of portable bio toilets for a total sum of Rs. 58,34,732/- and, thereafter, submitted the necessary bills. However, the respondent authorities have till date not made any payments to the petitioner. That the petitioner has been continuously giving representations/ letters to the authorities concerned for making the requisite payments but without any success. That the petitioner after exhausting his remedies had moved a complaint on 18.02.2023 before the District Public Grievance Redressal Officer, West Champaran and the same was closed on 06.05.2023. Thereafter, the petitioner has preferred an appeal before the Divisional Commissioner-cum-1st-appellate authority, Tirhut on 02.06.2023 and the same was closed on 16.06.2023. That the respondent No. 5 vide Notice No. 325 dated 24.06.2023 has issued the notice to the petitioner to submit the proof of supply and installation of the portable bio toilets along with the list of beneficiaries within a period of



three days. The petitioner in response to the above notice has supplied the same and thereafter the authority *vide* Memo No. 329 dated 26.06.2023 constituted a committee directing them to inspect the installation of the 92 portable bio toilets and submit a report so as to enable them to make the payments to the petitioner. That the inspection committee after physical verification found that 70 numbers of portable bio toilets were installed by the petitioner firm and the committee also submitted the geo tagged photographs to the office of the respondent No. 5. That thereafter, the petitioner made several requests to the authorities for payment of the amount for the 70 numbers of portable bio toilets and the balance 22 after due verification but till date the same has not been paid.

4. Learned counsel for the petitioner has submitted that the competent authority after constituting a committee found that out of the 92 portable bio toilets installed by the petitioner, 70 were in existence and insofar as 22 portable bio toilets are concerned, they could not locate the same. That the authorities should have made the payments for the 73 portable bio toilets but for reasons best known to the authorities have not paid the same. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition and direct the



respondents to pay the outstanding amount due to the petitioner along with interests.

5. In the counter-affidavit filed by the respondent Nos. 1 to 3, the fact that the petitioner has been entrusted with the work of installing portable bio toilets by the Nagar Parishad, Raxaul has not been denied.

6. In the counter-affidavit filed by the respondent Nos. 4 & 5 also, it is stated that the Board of Nagar Parishad, Raxaul passed a resolution dated 22.12.2017 for purchase of 300 portable bio toilets (for single seater) for installation to the landless persons and, thereafter, the quotations were called in which the maximum rate was fixed at Rs. 61,300/- per toilet. That the petitioner was directed to install the toilets within a period of 30 days at the rate of Rs. 61,300/-. That after the submission of the bills by the petitioner, the authorities have made requisite enquiry and found that the petitioner had installed 70 portable bio toilets and the balance 19 toilets were not traceable. It is further stated that the respondent No. 5 on verification found that the installed bio toilets are not in use by the beneficiaries and the same was in dilapidated condition. Further, it is stated in the counter-affidavit that the toilets supplied by the petitioner were not as per the requirement of the



Nagar Parishad and that the necessary amounts for making the payment of the bills are not available and that they have sought the guidance of the Joint Secretary, Urban Development and Housing Department regarding the payment to be made to the petitioner.

7. Admittedly, as seen from the record, the factum of issuing the work order to the petitioner for supply of the 92 portable bio toilets is not denied and that the respondent authorities on verification found that 70 bio toilets were installed and the balance toilets could not be traced is also not disputed. It is also not in dispute that these bio toilets were installed in the year 2018-19 and the inspection has taken place in the year 2023 i.e., 03.06.2023. The authorities for reasons best known to them have not paid the amounts due to the petitioner for the installation of the 92 portable bio toilets immediately after the installation was made but have taken their own sweet time for verifying as to whether the toilets have been installed or not. Even otherwise also the authorities having found that the 70 portable bio toilets have already been installed ought to have made necessary arrangements for making the payments but even after lapse of more than two years, they are yet to make the payments. The authority irrespective of the fact



whether the beneficiaries are using the toilets or not and whether the toilets are in dilapidated conditions cannot deny the payments to the petitioner as it is not the concerns of the petitioner. Further, it is to be noted that it is the internal matter of the Corporation as to where the funds come from i.e., whether they come from the General Account or SBM (Sub-banking Development Scheme) are not the concerns of the petitioner who has admittedly supplied the portable bio toilets. Once the work order has been issued to the petitioner to install the portable bio toilets and the petitioner has installed the same. Thereafter, the authorities cannot come up with one lame excuse or other for denying the payments to the petitioner. The authorities are obligated under the law to make the necessary payments for the goods supplied to them.

8. Having regard to the same, the present writ petition is allowed. The authorities are directed to see that the amount due to the petitioner for the 70 portable bio toilets are paid as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner is so advised, he can file a suitable representation along with the necessary documents and also geo tagged photographs for the balance 22 portable bio toilets and on



receipt of the same, the authorities are further directed to verify if the said 22 toilets are installed or not and make necessary arrangements for the payment. In case the authorities do not make the payment of the 70 portable bio toilets within the time-frame granted by this Court, the petitioner would be entitled to the interest at the simple rate of 8% per annum from the date of installation of the portable bio toilets till the date of actual payment.

9. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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