

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.265 of 2024
In
Civil Writ Jurisdiction Case No.7603 of 2020

-
1. The Bihar State Textbook Publishing Corporation Limited through its Managing Director Pathaya Pustak Bhawan, Budh Marg, Patna.
 2. The Managing Director, Bihar State Textbook Publishing Corporation Limited, Pathaya Pustak Bhawan, Budh Marg, Patna.
 3. The Secretary, Bihar State Textbook Publishing Corporation Limited, Pathaya Pustak Bhawan, Budh Marg, Patna.

... .. Appellant/s

Versus

The Click Digital having its registered Corporate Office situated at opposite Naleeni Apartment Nav Rastra Lane, Bhattacharya More, Rajendra Path, Police Station-Pirbahore, District-Patna-800001, represented through its proprietor namely Rajeev Aran, aged about 40 years (Male) Son of Arun Prakash Sinha, Resident of Mohalla-Pirmuhani behind Blind School, Near Dr. Gayan Prakash Clinic, Police Station-Phulwari, District-Patna-800003.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Dikshit, Advocate
For the Respondent/s : Mr. Deepak Sahay Jamuar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 24-02-2026 Following is the relief sought for in the present *intra*
court appeal:-

“That the instant appeal has been filed against the order dated 15.02.2024 passed in CWJC No. 7603 of 2020 by Hon'ble Mr. Justice Anil Kumar Sinha whereby and where-under the writ petition filed by the petitioner/respondent has been disposed of by this Hon'ble Court with following



direction-"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."

2. Mr. Deepak Sahay Jamuar has already appeared on behalf of the respondent, hence no fresh notice is required to be issued.

3. The limited issue for consideration before this Court is whether, as per the direction of the learned Writ Court, the appellants are required to make payment of the admitted dues to the writ petitioner.

4. The learned Single Judge, vide order dated 15.02.2024, passed the following order:-

"5. 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.

6. The present writ application stands disposed off on the aforesaid terms.”

5. Learned counsel for the respondent submits that he is ready to furnish an affidavit before the concerned authority i.e., appellant no. 2, stating that in case any adverse order is passed by the Vigilance Department against the respondent, he shall be under an obligation to return the 5% amount which has been withheld by the concerned authority. In other words if the respondent fails in the vigilance proceeding, he shall refund the amount of Rs. 7,78,514.55 to the authority concerned.

6. It is further directed that in case such an affidavit is filed before appellant no.2, the said authority shall consider the same and release the aforesaid amount in favour of the respondent within a period of four weeks from the date of filing of such affidavit. It is made clear that the release of the amount made by the concerned authority in favour of the respondent shall be conditional.

7. With the aforesaid observation and directions, the present appeal stands disposed of.



8. Pending application(s), if any shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Suruchi/Rajesh/-

U			
---	--	--	--

