
(2000) 03 PAT CK 0166
In the Patna High Court
Case No : C.W.J.C. No. 5704 of 1999

M/s. Bharat Agriculture and Mechanical Engineering Company	APPELLANT
Vs	
State of Bihar and Others	RESPONDENT

Date of Decision : 28-03-2000

Acts Referred:

Citation : (2000) 3 PLJR 126

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Advocate : Sukumar Sinha, for the Appellant; S.J. Rahman, for the Respondent

Final Decision : Allowed

Judgement

S.K. Katriar, J.—This petitioner is a supplier of certain materials to the Director of Agriculture, Bihar, Patna, way back in 1987. It had submitted bills dated 25.8.87, amounting to a total sum of Rs. 1,24,417/-, photo copies of which are marked Annexure-1 series. It is manifest from a perusal of the writ petition and the annexures thereto that the petitioner has been pursuing realisation of its dues in an unrelenting manner and the State of Bihar has failed to grant the relief departmentally. Hence the present writ petition. It is manifest from the records that the petitioner has been submitting representation after representation which have been dealt with at various stages acknowledging the dues. It appears from a perusal of the letter contained in memo no. 387, dated 27.5.89 (Annexure-2) which is an inter-departmental communication in the department of Agriculture that the bills have been passed for payment. It appears that the petitioner thereafter submitted another representation before the Director of Industries which was effectively dealt with by him and he found that a sum of Rs. 1,15,177.10 p has been found to be the admitted dues. In so far as the balance sum of Rs. 9,240/- is concerned, the order stated that the goods of that value were directed to be returned to the petitioner. The order also noted the petitioner's request for payment of the dues with interest at the rate of 15% and that the payment could not be made for lack of allotment of fund. The order

passed by the Director of Industries was conveyed by him by his letter no. 5262, dated 29.9.95 (Annexure-3), to the Agriculture Production Commissioner, requesting him to release the payment. No action seems to have been taken by the latter and, therefore, the department of Agriculture addressed its communication contained in memo no. 502 dated 10.9.97 (Annexure- 4) to the Agriculture Production Commissioner to release the funds. Payments were not released and, therefore, the petitioner submitted another representation dated 3.2.99 (Annexure-5) to the Director of Agriculture. The Government remained unmoved. Hence the present writ petition.

2. Mr. S.J. Rahman, learned Government Pleader No. 7 opposes the present writ petition on the ground that the dues are hit by delay. He relies on the judgment of the Supreme Court reported in Sampuran Singh and Others Vs. Smt. Niranjana Kaur and Others, . Let it be clearly recorded that two sets of the present writ petition were served on him on 25.6.99. The respondents did not file the counter affidavit. However, this court was indulgent to the respondents and granted one month's further time on 28.1.2000 to enable the respondents to file the counter affidavit which has not been brought on record till date. All the contentions of the respondents are, therefore, to be confined on the basis of the averments made in the writ petition.

3. This court is in no doubt that the dues have been admitted by the respondents. The matter was effectively thrashed in the administrative circles at a high level and yet the payments have not been made to the petitioner. The plea of limitation advanced on behalf of the respondents cannot be entertained, firstly because the facts stated in the petition have not been countered and will be deemed to have been admitted on count of non-traverse. Secondly, it is manifest from the chronology of events that limitation had never set in. On the contrary, the respondent authorities are guilty of extreme of callousness and complete abdication of functions. This court records its strongest condemnation of such irresponsible action on the part of the respondents driving citizens of the State to despair and burdening this court with unwanted litigations. This court is in no doubt that the administration of this State is in a state of complete collapse and there is not even semblance of governance in this State, otherwise such trivial matters would not have travelled this court.

4. In the result, this writ petition is allowed with interest at the rate of 25% w.e.f. 1.8.87 till the date of payment on the admitted dues of the petitioner and cost of this writ petition is quantified at Rs. 25,000/-, all to be paid in one single installment within a period of two months from the date of production/receipt of a copy of this order before respondent no. 4 (the Agriculture Production Commissioner, Bihar, Patna), who shall ensure full compliance of this order. Let copies of this order be sent to the Chief Secretary, the Finance Commissioner as well as the Advocate General of Bihar.