
(1997) 08 PAT CK 0012
In the Patna High Court
Case No : C.W.J.C. No. 3976 of 1997

M/s Bihar Office Equipments Co.

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 28-08-1997

Acts Referred:

Citation : (1997) 08 PAT CK 0012

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Indushekhar Pd. Sinha, Shivendra Nr. Sinha and Shashi Nath Jha, for the Appellant; Suresh Kumar, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner has filed this writ petition for direction on the respondents not to deviate from the period of contract i.e. the period from 1st February, 1997 to 31st January, 2000. It is stated that the respondents came out with a tender notice from Finance Department published in the newspaper "Aaj" on 12th January, 1997 (Annexure-1). The petitioner submitted tender on 17th January, 1997, which was re-opened at 3.00 P.M. and his quotation being lowest for supply of material, the respondents directed the petitioner to supply the material. It is stated that the rate was even lowered down by the respondents on negotiation. According to the petitioner, he has supplied certain material since 1st February, 1997 up to August, 1997, for which certain payment have already been released by the respondents, but payment of certain amount for other months have not yet been released. It is further stated though the petitioner is supplying the material for the present but they are not releasing the amount in favour of the petitioner against such material supplied by the petitioner.

2. It appears from the pleading made by the parties, that after the tender notice, no separate agreement was reached between the parties and on verbal assurance the petitioner supplied the material. Certain amounts were also released in favour of the petitioner for supply of such material for certain months

(up to May, 1997). In the aforesaid circumstances, in absence of any agreement, it is not possible for this Court to decide the question on its own merit.

3. The petitioner is given liberty to move before the Finance Commissioner-cum-Secretary of the Finance Department, State of Bihar by filing representation. In such representation, he may raise all the grievance stating the relevant facts therein. If such representation is filed by the petitioner, the Finance Commissioner-cum-Secretary will decide the same after necessary enquiry from the concerned officer. Whether the petitioner will continue to supply the material or not upto the period 31st January, 2000 ? Such decision is to be taken by the Finance Commissioner within a period of two months from the date of receipt of such representation. Admitted dues, if any, to which the petitioner is entitled, be paid within a period of six months from the date of receipt of such representation. Thereafter, if there remains any dispute, the petitioner may move before the appropriate forum/Civil Court, for such disputed claim. The writ petition stands disposed of with the aforesaid observation and direction.