
(2020) 05 PAT CK 0069

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5699 Of 2020

M/s Variety Vyapaar Private Limited

APPELLANT

Vs

State Of Bihar And Others

RESPONDENT

Date of Decision : 27-05-2020

Acts Referred:

Citation : (2020) 05 PAT CK 0069

Hon'ble Judges : Anjani Kumar Sharan, J

Bench : Single Bench

Advocate : Kumar Ravish, Mithilesh Upadhayay

Final Decision : Disposed Of

Judgement

Anjani Kumar Sharan, J

This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within a period of one week of the start of the normal functioning of the Court after the lockdown, failing which the office is directed to place the matter before the Bench for appropriate order.

The petitioner, by way of filing this writ application, seeks a direction to Respondent No. 2 to dispose of the pending representation dated 17.12.2019 (Ann-P/9) as also to direct the respondents to pay the dues of this petitioner to the tune of Rs. 1,29,96,513/- (Rupees One Crore Twenty Nine Lakhs Ninety Six Thousand Five Hundred Thirteen) only, for the Goods (Pre School Kits/Mini Kits) supplied by the petitioner pursuant to Notice Inviting Tender, agreement and final work order dated 30.12.2017 (Ann-P/1), which has been arbitrarily withheld since September, 2018-March, 2019 onwards for no reason whatsoever when the goods were duly supplied by the petitioner as per the specifications and rates

agreed between the parties, the supplies were duly accepted, utilized and used, the respondents got the supplies duly verified before accepting delivery from the master sample, as also afterwards, when the products quantity and quality related reports were duly called for and received from the concerned Child Development Project Officers even after one year of successful completion of supplies.

At the outset, learned counsel for the petitioner very fairly submits that though the petitioner has earlier filed a representation for redressal of his grievance and for expeditious disposal of pending claim but no response has been taken by the respondents in this regard. Now, he proposes to file a fresh representation before respondent no.2 with a copy forwarded to respondent no. 3.

In view of the above, in case the petitioner files a representation stating details of unpaid claim along with the certified copy of this order as also annexing the relevant document in support of his claim, the above respondent shall consider the claim of the petitioner as raised in the representation in accordance with law expeditiously, preferably within a period of two months from the date of receipt of such representation, so that the grievance of the petitioner could be settled without delay and the admitted dues shall also be paid without delay along with the interest as permissible under the rule/contract. In the event, the admitted dues are not paid to the petitioner within the time frame as aforesaid, respondent no.2 shall be personally liable to pay 10% interest from the date of filing of the writ application till the date of its actual payment.

With the aforesaid observation and direction, this writ application stands disposed of.