
(2012) 07 PAT CK 0080
In the Patna High Court
Case No : CWJC No. 6633 of 2012

Nav Vikash Vihar and Another APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 04-07-2012

Acts Referred:

Citation : (2012) 3 PLJR 529

Hon'ble Judges : J.N. Singh, J

Bench : Single Bench

Advocate : Shri Prakash Srivastava, for the Appellant; Prashant Kumar, for the Respondent

Judgement

J.N. Singh, J.—As per the case of the petitioner, petitioner was entrusted with the work of establishing and running Child Labour Special Schools at six centres which he did and thereafter a formal agreement was also entered into for the same. Pursuant to the said agreement, he has successfully run the centres and incurred all expenses for the assigned period from October, 2008 to March, 2010 to the satisfaction of the respondents. Thereafter, he has raised his bills for the work done with the respondents for payment. But the grievance is that he has not been paid the amount of his bills, although now the allotment has been received by the Department for payment. It goes without saying that, if the petitioner has completed the work as per the contract agreement and to the satisfaction of the respondents, he is entitled for payment of his bills and the respondents have no authority to withhold the same indefinitely without any valid and cogent reasons. It may be made clear that, since petitioner claims to have done the work in terms of the agreement and/or under valid orders/authorization by the competent authorities, paucity of fund or non-allotment of fund cannot and should not be an excuse for keeping his/its bills pending.

2. In the circumstances, this writ application is disposed of with a direction to the concerned respondent, responsible for payment of the amount of bills of the petitioner, to examine his/its bills in the light of work done by him/it and ensure

release of admissible amount of the bills to the petitioner positively within three months from the date of receipt/production of a copy of this order, if necessary, by arranging fund for the same, failing which, the said respondent shall be liable to pay an interest on the amount, at the rate of 12% compoundable yearly, from his own pocket. In case, the said respondent finds that the amount of bill or any part thereof is not payable to the petitioner, he shall communicate the same to the petitioner in specific terms, assigning reasons thereof, within that very period. In that event, petitioner shall be at liberty to seek his remedy in accordance with law before an appropriate forum and claim an adjudication in respect of his entitlement of the said amount with interest.