

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6307 of 2015

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1. M/s. Vaishali Agro Rice Mill , Sakra Muzaffarpur through its Proprietor Brajesh Kumar Singh son of Kaushalendra Prasad Singh, Resident of village Mahesi, P.S. Sakra, District - Muzaffarpur.
 2. Vishnu Deo Roy, son of Sri Yogendra Rai, Resident of village - Vijaypura, P.S. - Baligaon, District - Vaishali.
 3. Ranjan Kumar Son of Sri Birchandra Rai, Resident of village Khwajipur Basti, P.S. - Baligaon, District - Vaishali.
 4. Munni Devi, wife of Sri Brajeshwar Kumar Singh, Resident of village - Katesar, P.S.- Sakra, District Muzaffarpur, petitioner No. 2 to 4 are partners of M/S Vaishali Agro Rice Mill, Sakra, Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, and Supply Department Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer cum Certificate Officer, East Muzaffarpur, District - Muzaffarpur.
4. The Bihar State Food and Civil Supplies Corporation Ltd through its Managing Director, Bihar, Patna.
5. The District Manager Bihar State Food Corporation Muzaffarpur.
6. The Block Agriculture Officer cum Incharge, Paddy Purchase Centre Sarai District Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Rakesh Kumar Soni, Advocate
For the State : Mr. Sunil Kumar, A.C. to AAG-6
For the B.S.F.C. : M/s. Shailendra Kumar Singh and
Awadhesh Kumar, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-05-2015

Petitioners have filed this writ application for quashing of the entire proceeding of Certificate Case No.837 of 2014-15 and also for a direction to the respondent Food Corporation to make proper accounting of the claims and adjusting the amount of transportation-cum-handling with milling

charge.

However, at the time of hearing of this case, learned counsel has submitted that the petitioners are ready to clear the entire debt if transportation-cum-handling with milling charges are adjusted.

Learned counsel appearing for the B.S.F.S. also submits that those charges would have to be adjusted if the petitioners have transported the concerned assignment.

In above view of the matter, this writ application is being disposed of with the liberty to the petitioners to approach the Deputy Chief of Claims of the B.S.F.C. who would be required to take a decision and intimate the same to the petitioners.

In the meantime, petitioners would be required to deposit the entire amount due. Thereafter, transporting-cum-handling/milling charges, if found to be payable to the petitioners, would be refunded back to him after a decision taken in this regard and communicated it to the petitioners. The aforesaid exercise should be completed within a period of two months thereafter.

Till the expiry of the aforesaid period granted by this Court, the proceeding of certificate case concerned would remain

stayed.

However, if the petitioners fail to comply the aforesaid direction of this Court, then Certificate Officer would be at liberty to proceed against him in accordance with law after expiry of the aforesaid period.

(Dr. Ravi Ranjan, J)

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