

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6365 of 1996

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1. M/s Shree Vishnu Cold Storage, Vill.: Amavan, Gaya through its partner, Shri Sheo Kumar Dalmia.
 2. M/s Prakash Cold Storage, Vill.: Khujati, Gaya through its partner Shri Shirish Prakash
 3. M/s Bhadani Cold Storage, K.P.Road, Gaya through its partner, Shri Shravan Kumar Bhadani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Directorate of Industries, Agricultural Department through the Director Udyan, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s L.K.Bajla and Pravin Kumar Sinha, Advs.

For the Respondent/s : Mr. GP-4

Mr. Sharad Kr. Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-02-2015

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, petitioners are challenging the notice published by Respondent No. 2 in the daily newspaper of Bihar being 4519 (Krishi-24)95-96 whereby and whereunder Respondent No. 2 has fixed two different rates for storage of potatoes in the cold storage of the Bihar for the period March, 1996 to November, 1996 or part thereof. Rs. 66 per quintal has been fixed as the rate for South Bihar Rs. 75/- per quintal is the rate fixed for North Bihar.

Claim has been made that the fixation of rate for two

different regions is not based on reasonable classification and not on the basis of recommendation of the Board and, as such, the fixation of rate without recommendation of the Board which has been mentioned herein above, is completely illegal and liable to be quashed.

From the counter affidavit it appears that the rate for storage of per quintal potatoes has been fixed on the basis of recommendation of the Board and only thereafter, the Notification was issued for fixing the rate for storage of potatoes, as the condition of power supply was better the South Bihar than the North Bihar which was one of the reasons for fixation of two rates for keeping potatoes in the cold storage and it cannot be said that two rates fixed for the cold storage for two different regions any way suffers from any illegality and irrationality.

This Court feels that the fixation of rate is based on relevant factor and completely rational and the reason that has been assigned cannot be said to be any way suffers from any illegality.

In such view of the matter, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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