

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17390 of 2010

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M/S Phoolwaria Krishak Seva Swablambi Sahkari Samiti Limited, Sri Rani Sati Chowk Kasba, Distt-Purnea through its Chairman Arun Kumar Agrawal, S/O Sri Jagdish Pd. Agarwal, R/O Kasba, P.O.& P.S.Kasba, Distt-Purnea

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Department Of Food, Consumer Protection Government of Bihar, Patna
3. The Food Corporation of India through the Executive Director Eastern Zone, At -A-10, Middleton Road, Kolkata
4. The General Manager, Food Corporation of India, Bihar Region Arunachalam Building, Exhibition Road, Patna
5. The Deputy General Manager, Food Corporation of India, Bihar Region Arunachalam Building, Exhibition Road, Patna
6. The Area Manager, Food Corporation of India Purnea Circle, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
Mr.Sumit Kumar Jha

For the Respondent nos.3to6: Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 10-04-2015 Heard the parties.

The matter at issue is the claim of the petitioner for reimbursement of VAT amount from the respondent Food Corporation of India and its functionaries, i.e., the respondent nos.3 to 6, which it claims to have already paid to the State of Bihar.

Unfortunately, despite the order dated 12.10.2010, the counter affidavit has not been filed on behalf of the respondent nos.3 to 6, despite passage of more than four and half years.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that, instead of keeping the matter pending asking the respondent nos.3 to 6 to file a counter affidavit with respect to

the claims raised on behalf of the petitioner, interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.4, i.e., the General Manager, Food Corporation of India, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent no.4 either himself or any other competent authority of the Food Corporation of India shall be obliged to consider and decide the claims raised on behalf of the petitioner strictly in accordance with law by a reasoned and speaking order at an early date preferably within a period of one month from the date of filing of such comprehensive representation by the petitioner.

If on consideration of the materials, the claims raised on behalf of the petitioner are found admissible to him, then the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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