

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19126 of 2014

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1. M/s Kismat Rice Mill, through Awadhesh Kumar S/o Rajan Rai Resident of Jitwarpur, P.S. Dariyapur, District Saran (Chappra).

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Saran (Chappra).
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Sone Bhawan, Bir Chand Patel Marg, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Bir Chand Patel Marg, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Saran (Chappra).
6. The Food Corporation of India through its Divisional Manager, Saran Division, District Saran (Chappra).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akashdeep, Adv.
Mr. Shyameshwar Kumar Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Madhuresh Prasad, GP-12
For the FCI : Mr. Prabhakar Tekriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 11-08-2015

Heard learned counsel for the petitioner, learned Assistant Counsel to GP 12 and learned counsel for the respondent-Corporation.

2. The present writ petition has been filed for quashing the demand notice issued vide letter no. 1045 dated 22.07.2014 alongwith letter no. 651 dated 02.05.2014 and letter no. 815 dated 06.06.2014 issued under the signature of Respondent No. 5 raising a demand of Rs. 45,53,674.60 as the value of 2102.77 quintals of Custom Milled Rice.



3. Interlocutory Application No. 3426 of 2015 has been filed for amendment of prayer pursuant to the initiation and continuation of the certificate proceedings in Certificate Case No. 21/2014-15 questioning the validity thereof, and for connected reliefs, which is hereby allowed.

4. Learned counsel for the petitioner submits that as a matter of fact, Certificate Case No. 21/2014-15 is not sustainable as the entire quantity of 12362 quintal of CMR due from the petitioner has been supplied, in view of which no amount remains recoverable. No counter affidavit has been filed to dispute such claim.

5. Learned counsel for the respondent-Corporation on the other hand submits that instructions have been received for filing a counter affidavit and there appears to be some dispute with regard to the quantity supplied by the petitioner.

6. With the consent of the parties, this writ petition is being disposed of with liberty to the petitioner to file a representation before the Managing Director, Bihar State Food and Civil Supplies Corporation within a period of three weeks from today, which, if done, shall be disposed of by a reasoned order within a further period of four weeks thereafter in accordance with law.

7. In the meantime, till disposal of such representation, if filed, no coercive action for recovery of any

dues said to be recoverable from the petitioner in terms of Certificate Case No. 21/2014-15 shall be taken by the Certificate Officer.

8. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

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