

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.304 of 2015

IN

Civil Writ Jurisdiction Case No. 16067 of 2014

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Pradeep Kumar S/o Late Ram Gopal Mahensaria through its Proprietor Durgha
Printing Works Rajendra Nagar, Near Golamber, P.S. Kadamkuan, District Patna.

.... Appellant

Versus

1. The State of Bihar.
2. The Secretary Food and Civil Supply Commercial Department Sachiwalay, Govt.
of Bihar, Patna.
3. The District Magistrate, Purnia.
4. The District Magistrate, Munger.
5. The Deputy Secretary Food and Civil Supply Commercial Department, Govt. of
Bihar, Patna.
6. The District Supply Officer, District at Munger.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rajesh Dayal, Adv.

For the Respondent/s : Mr. Devendra Kr Sinha, AAG-2

Mr. Alok Kumar Rahi, AC to AAG-2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2015

I.A. No.1356 of 2015

For reasons mentioned in the limitation petition,
the delay of 48 days occurred in filing the Appeal is
condoned.

L.P.A. No.304 of 2015

The appellant was awarded the contract of
printing and distributing the ration cards in the State, in
the year 2004. The agreement required making of caution



deposits and filing of the National Savings Certificates of certain value. The appellant filed C.W.J.C. No.16067 of 2014 with a prayer to direct the respondents to pay the amount of Rs.5,72,538/-, with interest and for refund of the National Savings Certificates worth Rs. 57,000/-, 91,280/- and 20,000/- respectively. The writ petition was opposed by the respondents. They have pleaded that the appellant did not make any claim at all, and, at any rate, the matter being stale, the claim is inadmissible. The learned single Judge dismissed the writ petition through order dated 16.9.2014. Hence, this Letters Patent Appeal.

Obviously, because the respondents did not file any counter affidavit, there was no occasion for the learned single Judge to discuss the admissibility or otherwise of the claim of the appellant. At one place, it was observed that a representation can be made and at another place it was mentioned that since there is delay, even a direction for consideration of representation cannot be made.

We are of the view that the appellant can be permitted to make a representation in this behalf. We, therefore, dispose of the Appeal directing that it shall be open to the appellant to make a representation claiming the amounts mentioned in the writ petition, within six

weeks from today. If such a representation is made, the respondent shall pass appropriate orders within eight weeks thereafter.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

K.C.jha/-
N.A.F.R.

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