IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3404 of 2014
In
Civil Writ Jurisdiction Case No. 2421 of 2001

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1, M/s Adarsh Rice Mills, Khaira Bhudhar, P.S. – Bikramganj, District – Rohtas through its Partner Shir Bishudeo Ojha
2. M/s Adarsh Chawal Mills, Khaira Bhudhar, P.S. – Bikramganj, District – Rohtas through its Partner Shailendra Kumar Ojha
3. M/s Adarsh Modern Rice Mills, Belwaiya, P.S. - Dinara, District – Rohtas through its Partner Shri Satyendra Ojha
4. M/s Parwatijee Rice Mill, Dinara, P.S. – Dinara, District – Rohtas through its partner Sri Arvind Ojha @ Arbind Kumar Ojha

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Shri Siraj Hussain, Department of Food, Government of India, Krishi Bhawan, New Delhi
2. The State of Bihar through the Secretary, Shri Shishir Sinha, Department of Food, Supply & Commerce, Patna
3. Shri Amaresh Kumar, The General Manager, Food Corporation of India, 4th Floor, Arunanchal Building, Exhibition Road, Patna

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Dhanendra Chaubey
For the Respondent/s : Mr. Anjani Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

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07. 07.01.2015 Heard learned counsel for the parties.

There are four cheques, bearing Serial Nos. 717228-31 of different amounts, issued in name of the petitioners and is dated 05.01.2015. This is the amount which according to the counsel for the FCI under the head of calculation of interest. Let the same be handed over to the counsel for the petitioners and receipt thereof will be given to the counsel for FCI for their official record.

The Contempt Application now stands

disposed off with an observation that if any discrepancy arises in the calculation or if any settlement under any head has not been finally made, it will be open to the petitioner to approach the competent authority of FCI, who also has an obligation to examine the veracity of such discrepancy and claim and communicate a decision thereof, if such a claim is raised by the petitioners.

Before parting counsel for the FCI submits that sales tax has been deposited, both by the FCI as well as the petitioners, for the same sale or transaction, so it amounts to payment twice over for the same transaction. If this is so, the FCI can approach the Commissioner of Commercial Taxes, who has an obligation to verify the matter, because the State cannot demand and beget payment of sales tax twice over on the same transaction.

Contempt Application is disposed off with observation as above.

(Ajay Kumar Tripathi, J.)

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