

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16383 of 2015

Nawada Vyapar Mandal Cooperative Society Ltd., Nawada, through its Chairman,
Geeta Prasad Singh, Son of Late Jageshwar Singh, Resident of village & P.O.
Ohari, Via Kadirganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Bihar Food and Civil Supply Corporation, through its Managing Director, Bihar, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation, Nalanda at Biharsharif.
5. The District Manager, Bihar Food and Civil Supply Corporation, Nawada.
6. The District Cooperative Officer, Nawada.
7. The District Supply Officer, Nawada.
8. The Block Cooperative Officer, Nawada.
9. The Circle Officer, Nawada.
10. M/S Shankar Rice Mill, Jangipur, Asthawan, District - Nalanda, through its Miller.
11. The Union of India through the Secretary, Ministry of Consumer Affairs, Food and Civil Supply, Krishi Bhawan, New Delhi.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the Respondent-State : Mr. Prashant Kumar, AC to GP-8
For the Respondent-SFC : Mr. Amrendra Nr. Rai

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-12-2015

Heard Mr. Arbind Kumar Singh, learned counsel
appearing on behalf of the petitioner, learned counsel for the State
and Mr. Amrendra Narain Rai, learned counsel appearing on behalf
of the Bihar State Food and Civil Supplies Corporation.

The petitioner is a Vyapar Mandal, registered under the
Bihar Cooperative Societies Act, 1935 and is aggrieved by the
rejection of lots of rice packed in 14 bags weighing 5642 quintals by
the respondent-Corporation, *inter alia*, on grounds that it did not

meet the standard quality.

It is the argument of Mr. Arbind Kumar Singh, learned counsel appearing for the petitioner that the paddy in question was deposited with the rice mill which is duly authorized by the respondent-Corporation and the custom milled rice packed in 14 lots was delivered at the centre of the Corporation and accepted. It is the complaint of the petitioner that something transpired in between the authorities of the Corporation and the rice mill owner who entered into collusion and whereafter the rejection has taken place. The petitioner thus submits that the rejection has been influenced by extraneous consideration.

It is in consideration of the issues raised and not being satisfied with the affidavit on record that the Corporation was directed to support the decision to reject the lot of the petitioner and following which a supplementary counter affidavit has been filed enclosing several documents which include a letter of the Chief of Procurement in the respondent-Corporation addressed to all the District Managers of the Corporation whereby an authorization has been issued to reject the lots which do not meet the standard quality.

Mr. Rai, with reference to the letter dated 10.2.2015 of the Chief of Procurement placed at Annexure-C has mentioned that any dispute in this regard is to be disposed of by the Quality Controller posted in each district. He refers to the analysis report of

the rice in question annexed vide Annexure-F/1 as well as the transport challan to submit that upon objection being raised to the quality of the rice the same was returned and has not been objected by the rice miller. He thus submits that the statement of the petitioner that he has not received the lots is not correct rather the rice has been returned to the miller as is supported from the truck challan which bears his signature.

Although, the stand of the respondents as reflected in the supplementary counter affidavit is sought to be contested by Mr. Singh, learned counsel appearing on behalf of the petitioner on grounds of collusiveness but considering that the contest raises disputed issues bordering on the quality of the rice and considering that a forum is available to the petitioner to resolve such issues before the Quality Controller, the only relief that this Court can grant to the petitioner at the present stage is to allow him to get the issue of the quality of the rice in question resolved before the Quality Controller, who is stated to be an officer of the State Government posted in each district, before raising his claim against the Corporation.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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