

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14611 of 2014

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Hathiayara Primary Agriculture Credit Society (PACS) at Deokund, P.O. Rampurchai, P.S. Deokund, District Aurangabad through Chairman Rabindra Kumar S/o Manik Chand Singh resident of village Dularbigha, P.O. Rampurchai, P.S. Deokund, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna
2. The Principal Secretary, Food & Civil Supply Department, Govt. of Bihar, Patna
3. The Bihar State Food & Civil Supply Corporation Ltd., Government of Bihar, Patna
4. The Managing Director, Bihar State Food & Supply Corporation Ltd., Bihar, Patna
5. The District Manager, Aurangabad, Bihar State Food & Civil Supply Corporation Ltd. Aurangabad, Bihar.
6. The In-Charge of Purchasing Centre, Goh-I, Aurangabad, Bihar State Food & Civil Supply Corporation Ltd. Goh, Aurangabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14641 of 2014

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Upahara Primary Agriculture Credit Society (PACS) at + P.O. + P.S. - Upahara, District - Aurangabad, through Chairman Srinivash Sharma Son of Late Awadh Bihari Sharma resident of Village - Aranda, P.O. - Gamhari, P.S. - Upahara, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food AND Civil Supply Department, Govt. of Bihar, Patna.
3. The Bihar State Food AND Civil Supply Corporation Ltd., Government of Bihar, Patna.
4. The Managing Director, Bihar State Food AND Civil Supply Corporation Ltd., Bihar, Patna.
5. The District Manager, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd. Aurangabad, Bihar.
6. The In-Charge of Purchasing Centre, Goh-I, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd. Goh, Aurangabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14745 of 2014

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Deohara Primary Agriculture Credit Society (PACS) at + P.O. - Deohara, P.S. - Goh,
District - Aurangabad, through Chairman Sanjay Kumar Gupra son of Late Chhote
Lal Gupta resident of Village + P.O. - Deohara, P.S. - Goh, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation Ltd., Government of Bihar, Patna.
4. The Managing Director, Bihar State Food and Supply Corporation Ltd., Bihar, Patna.
5. The District Manager, Aurangabad, Bihar State Food and Civil Supply Corporation Ltd. Aurangabad, Bihar.
6. The In-Charge of Purchasing Centre, Goh-I, Aurangabad, Bihar State Food and Civil Supply Corporation Ltd. Goh, Aurangabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14795 of 2014

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Barma Khurd Primary Agriculture Credit Society (PACS) at - Jajapur, P.S. - Goh,
District - Aurangabad, through Chairman Fulendra Singh son of Shiv Pujan Singh
resident of Village - Jajapur, P.S. - Goh, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food AND Civil Supply Department, Govt. of Bihar, Patna.
3. The Bihar State Food AND Civil Supply Corporation Ltd., Government of Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna.
5. The District Manager, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd. Aurangabad, Bihar.
6. The In-Charge of Purchasing Centre, Goh-I, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd., Goh, Aurangabad.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14797 of 2014

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Jhikatiya Primary Agriculture Credit Society (PACS) at - Pratappur, P.O. - Jaitiya, P.S. - Bandeya, District - Aurangabad, through Chairman Talkeshwar Singh son of Somar Yadav resident of village - Pratappur, P.O.-Jaitiya, P.S. - Goh, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food AND Civil Supply Department, Govt. of Bihar, Patna.
3. The Bihar State Food AND Civil Supply Corporation Ltd., Government of Bihar, Patna.
4. The Managing Director, Bihar State Food AND Supply Corporation Ltd., Bihar, Patna.
5. The District Manager Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd. Aurangabad, Bihar.
6. The In-Charge of Purchasing Centre, Goh-I, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd., Goh, Aurangabad.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 14975 of 2014

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Dadhapi Primary Agriculture Credit Society (PACS) At- Dadhapi, P.S.- Goh, District- Aurangabad, through Chairman Sachidanand Singh, son of Late Tapeswar Singh, resident of Village- Dadhapi, P.S.- Goh, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna
2. The Principal Secretary, Food AND Civil Supply Department, Govt. of Bihar, Patna
3. The Bihar State Food and Civil Supply Corporation Ltd., Bihar, Patna
4. The Managing Director, Bihar State Food AND Civil Supply Corporation Ltd., Bihar, Patna
5. The District Manager, Aurangabad, Bihar State Food AND Civil Supply Corporation Ltd., Aurangabad, Bihar
6. The In-Charge of Purchasing Centre, Goh- 1, Aurangabad Bihar State Food and Civil Supply Corporation Ltd., Goh, Aurangabad

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 15006 of 2014

..... Petitioner/s

Versus

- Respondent/s

(In CWJC No. 14611 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate
For the Respondent/s : Mr. RAJU GIRI, G.P.-30
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14641 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate
For the Respondent/s : Mr. NIRBHAY K.SINGH, G.P.-26
Mr. Krishna Kumar, A.C. to G.P.-26
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14745 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate
For the Respondent/s : Ms. GEETA KUMARI, G.P.-28
Mr. Parmeshwar Vishwakarma, A.C. to G.P.-28
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14795 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate
For the Respondent/s : Mr. P. SINGH, G.P.-27
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CW.JC No. 14797 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate
For the Respondent/s : Mr. ANSHUMAN SINGH, G.P.-24
Mr. Siddharth Shankar Pandey, A.C. to G.P.-24
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 14975 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate

For the Respondent/s : Ms. BINITA SINGH, G.P.-31

For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

(In CWJC No. 15006 of 2014)

For the Petitioner/s : Mr. Satyendra Narayan Verma, Advocate

For the Respondent/s : Mr. HARISH KUMAR, G.P.-32

For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**ORAL JUDGMENT****Date: 10-12-2015**

Heard Mr. Surendra Prasad Singh, learned counsel for the petitioners, counsel for the State and Mr. Shailendra Kumar Singh for the Bihar State Food and Civil Supplies Corporation and its authorities.

A common grievance has been raised in each of the writ petitions regarding non-payment of the price for the paddy supplied by the seven societies herein. The seven writ petitioners are Cooperative Societies registered under the Bihar Cooperative Societies Act, 1935 and are situated within the district of Aurangabad. Each of these societies while accepting that they have received regular payment for the paddy supply but raise a grievance against some of the pending bills.

Mr. Singh, learned counsel for the petitioners has stated that in all the cases it is only one or two vouchers which has remained pending at the level of the Corporation. The vouchers have been appended at Annexure-1 to the respective writ petition.

It is in consideration of the grievance so raised that the

Corporation was asked to file their response and a counter affidavit has been filed in each of the writ petitions.



Mr. Shailendra Kumar Singh, learned counsel for the Corporation with reference to the documents enclosed with the counter affidavit filed in CWJC No. 14611 of 2014 has submitted that while the admitted payment has been made to these societies, there is a dispute on the quantity of supply so raised in the respective writ petition which in fact was never supplied by the Centre In-Charge although payment vouchers were issued and as a result a proceeding was drawn against the Centre In-Charge and a show cause was issued to him on 15.5.2013, a copy of which is annexed at Annexure-A to the counter affidavit. He submits that the name of the seven societies who are writ petitioners herein does find mention therein. It is thus submitted by Mr. Shailendra Kumar Singh that since the Corporation never received the amount of paddy from the Centre In-Charge although payment vouchers have been issued by him that the proceedings have been initiated against him as to the circumstances in which those vouchers were raised. He submits that in absence of the paddy supply, the Corporation would not be in a position to make payment. He further informs this Court that the petitioners have also approached the Consumer Forum under the provisions of the Consumer Protection Act for identical reliefs. Mr. Singh with reference to Annexure-D of the counter affidavit has submitted that

whatsoever paddy supply was received by the Corporation, the payment has been made.

Mr. Surendra Prasad Singh, learned counsel for the petitioners while admitting that the matter in issue is also pending consideration before the Consumer Forum submits that it is considering the obligation on the part of the Corporation to make payment for the paddy supply that the present writ petitions were filed.

I have heard learned counsel for the parties and I have perused the records. Since the counter affidavit filed in CWJC No. 14611 of 2014 would cover the cases of all the petitioners hence I would be making reference thereto unless clarified by specific reference to others. The Corporation does not dispute that the payment voucher was issued by the Centre In-Charge in respect of the quantity so claimed to have been supplied by the societies. The dispute raised by the Corporation is that although vouchers were issued by the Centre In-Charge but a corresponding supply was never made to the Corporation by the Centre In-Charge. In other words, the Corporation disputes the very factum of paddy supply as claimed by these petitioners.

In such circumstances where the very paddy supply is being disputed by the Corporation who have also initiated proceedings against the Centre In-Charge questioning him on the issuance of

vouchers in absence of a corresponding paddy supply and considering that there is no other dispute between the parties regarding payment for the other supplies made by these societies, in these disputed circumstances, this Court would not be persuaded to issue any direction to the Corporation for making payment. The matter is already pending before the District Consumer Forum and thus the petitioners would have all the liberty to establish their claim before the Forum by support of evidences. The claim so pending before the Forum would be considered and be disposed of on its own merits without being prejudiced by the orders passed in these batch of writ petitions which are being disposed of accordingly.

Considering the nature of dispute raised, the District Consumer Forum would be well advised to dispose of the matter expeditiously.

(Jyoti Saran, J)

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