

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4159 of 2015**

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M/s Lalji Rice Mill through its proprietor, Arun Kumar, son of late Gopichand Bhagat, resident of village- Madhaniyan, P.S- Minapur and district- Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar through its Principal Secretary (Food) Patna, Bihar.
2. Bihar State Food and Supplies Corporation Sone, Bhawan, Veer Chand Patel Path, Patna through its Managing Director.
3. Managing Director, State Food and Supplies Corporation Sone, Bhawan, Veer Chand Patel Path.
4. District Magistrate, Muzaffarpur.
5. District Manager, Bihar State Food and Supply Corporation Ltd, Muzaffarpur.
6. The Food Corporation of India through its General Manager, Arunachal Bhawan, Exhibition Road, Patna.
7. Sub Divisional officer-cum-Certificate Officer, Muzaffarpur (East).

.... .... Respondents

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**Appearance :**

For the Petitioner : M/s Mohammed Abu Haidar and  
Md. Abu Shagir, Advocates

For the State : Mr. Bijay Kumar Pandey, AC to SC 5

For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 23-06-2015**

Heard the parties.

Petitioner has filed this writ application for a direction to the respondent Bihar State Food and Supplies Corporation Limited to lift the custom milled rice from the premises of the petitioner for procurement year 2012-13 and also to supply gunny bags and etc. as also arranging for transportation for lifting the same. Petitioner further seeks quashing of the proceeding of Certificate Case No. 578 of 2014-15 in which a certificate for Rs. 60,93,885.84/- has been issued.



However, in view of the long line of decisions in such matters, in my considered opinion, since there is an agreement between the petitioner and the respondents in which there is a provision for conciliation of the disputed matter as well as there is also a provision for invoking arbitration, this Court would be inclined to grant liberty to the petitioner to approach the Managing Director, Bihar State Food and Civil Supplies Corporation invoking Clause 16 which is a provision for conciliation. On such application having been filed within a period of four weeks along with a copy of this order, let such procedure be initiated and a final decision be taken following the procedure laid down thereunder. If the petitioner still feels aggrieved or the process of conciliation does not bear any fruit, it would be open for the petitioner to move for arbitration.

However, so far the certificate case is concerned, that would remain stayed till the final outcome of the conciliation proceeding.

It is further made clear that if the petitioner fails to approach the authority under Clause 16 of the agreement in such case the concerned Certificate Officer would not be bound by this order and would proceed in accordance with law.

**(Dr. Ravi Ranjan, J)**

Spd/-

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