

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18024 of 2016

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Gunjan Kumar @ Gunjun Kumar Singh, son of Jai Kumar Singh, proprietor
of Jai Sri Balaji Agro Industries, resident of village Satgharva, P.S. Magadh
University, District Gaya

.... Petitioner

Versus

1. The Food and Consumer Protection Department through its Principal
Secretary, Bihar at Patna
2. The State of Bihar through District Magistrate, District Gaya
3. The Bihar State Food and Civil Supplies Corporation Limited through
its M.D. Bihar at Patna
4. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Gaya, District Gaya
5. The Deputy Chief of Finance, Bihar State Food and Civil Supplies
Corporation Limited, Bihar at Patna
6. The District Certificate Officer, Gaya, District Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Sanjay Kr.Giri, G.P.9
For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 28-10-2016 Learned counsel for the petitioner is permitted to remove
the defects in the course of the day.

Heard learned counsel for the petitioner and learned
counsels for the State and for the Bihar State Food and Civil
Supplies Corporation.

The petitioner is aggrieved by the letter dated 17.10.2016
issued by the Managing Director of the Bihar State Food and Civil
Supplies Corporation in which a direction has been issued for
filing of FIR, inter alia, against the petitioner, whose name appears
at Serial No.7 of the list, in which it is stated that the petitioner
had to supply 795.6144 metric tons of CMR rice amounting to
Rs.1,72,29,507.20, against which he has deposited an amount of
Rs.1,20,69,657/-. It is submitted that with respect to realization of



the balance amount, Certificate Case No. 15 of 2015-16 is pending before the Certificate Officer, Gaya. The District Manager, Gaya by letter dated 28.12.2015 to the Certificate Officer, Gaya has admitted that the bills of the petitioner (towards milling and transportation-cum-handling charges) amounting to Rs.48,76,588/- are pending with the Corporation and steps are being taken for adjustment of the same against the certificate amount.

Learned counsel for the petitioner submits that the letter dated 17.10.2016 suffers from non-application of mind as after the said adjustment an amount of Rs.2,83,166.92 alone is payable by the petitioner.

Learned counsel for the respondent Corporation, on the other hand, submits that the letter dated 17.10.2016 is a general letter and the Corporation itself has taken cognizance of the fact that the bills of the petitioner for milling and transportation-cum-handling charges have to be adjusted or paid, for which purpose a Three Man Committee has been constituted at the headquarters to look into the matter and, accordingly, after the bills submitted by the petitioner are looked into, necessary adjustment would be made but the petitioner must pay the admitted amount within a reasonable time.

In the aforesaid circumstances, the writ application is allowed. The impugned letter dated 17.10.2016, in so far as it concerns the petitioner, is quashed with the further direction that the respondents shall take steps for adjusting the bills of the petitioner for milling and transportation-cum-handling charges against the remaining dues and after the said adjustment intimate to the petitioner about the amount payable. However, pending such intimation, the petitioner is directed to deposit an amount of

Rs.2,83,166.92 with the Corporation within a period of four weeks from today.

Until the said adjustment, no further step shall be taken in the certificate proceedings.

(Ramesh Kumar Datta, J)

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