

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2158 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10281 of 2014**

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M/s Shri Kuber Udyog Rice Mill, Purnea through Proprietor Bandan Kumar Singh,
Son of Sri Suresh Prasad Singh, resident of Gulab Bag, P.S. Sadar, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna.
4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation , Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate, Purnea.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Purnea.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-12-2016

Re.: Interlocutory Application No. 9814 of 2016

The application is for condonation of delay of 2 years 91 days in filing the appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, the delay of 2 years 91 days in filing the appeal is condoned.

3. Interlocutory Application stands disposed of.

Re.: Letters Patent Appeal No. 2158 of 2016

The present Letters Patent Appeal is directed against an order



passed by the learned Single Bench of this Court on 23.07.2014 in C.W.J.C No. 10281 of 2014 deciding the writ application in light of the order passed in C.W.J.C. No. 9133 of 2014 (*M/s Shivam Mini Modern Rice Mill vs. The State of Bihar & Ors.*) decided on 22.07.2014.

2. L.P.A. No. 1709 of 2014 against the said judgment stands decided vide judgment reported as Arvind Kumar vs. State of Bihar, 2015(4) PLJR 422.

3. It is pointed out by learned counsel for the appellant that the order passed in Letters Patent Appeal has since been partly modified on 23rd of August, 2016 in Civil Review No. 150 of 2015 (*Rohit Rice Mill vs. The State of Bihar and Ors.*).

4. After hearing learned counsel for the parties, we find that the matter in issue is covered by the Arvind Kumar's case (supra).

5. The appeal is decided in terms of the said judgment and as modified by this Court in Civil Review No. 150 of 2015 (*Rohit Rice Mill vs. The State of Bihar and Ors.*) decided on 23rd of August, 2016.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

