

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4441 of 2014

=====

M/s. Ganesh Rice Mill, Amahara, Bihta (Patna) represented through its Proprietor, namely, Shri Shiwendra Kumar Singh, son of Shri Krishnanandan Singh Resident of At and P.O. Amahara, P.S. Bihta and District - Patna

.... Petitioner

Versus

1. The Bihar State Food and Civil Supplies Corporation, 5th Floor, Son Bhawan, Bir Chand Patel Marg, Patna - 800001 represented through its Chairman - Cum - Managing Director
2. The Chairman - Cum - Managing Director, The Bihar State Food and Civil Supplies Corporation, 5th Floor, Son Bhawan, Bir Chandra Patel Marg, Patna - 800001
3. The District Manager, The Bihar State Food and Civil Supplies Corporation, East Boring Canal Road, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. KUMAR RAVISH, ADVOCATE

For the Respondent/s : Mr. SHAILENDRA KUMAR SINGH, ADVOCATE

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-03-2016

Heard learned counsel for the petitioner and learned Counsel for the Respondent Corporation.

2. The present writ petition has been filed for a direction to the Respondent Corporation to make payment of the bills of the petitioner amounting to Rs. 11,77,412/- including security deposit, and for connected reliefs.

3. It is submitted that pursuant to an agreement dated 03.02.2010 between the petitioner and the Respondent Corporation for Kharif Marketing Season 2009-10 as also agreement dated 05.11.2011 for the Kharif Marketing Season 2010-11, the petitioner had been supplying



advance rice and receiving proportionate paddy in lieu thereof for further milling. It is submitted that the petitioner has been carrying out milling works and complying with the terms of the agreement but, however, so far the petitioner has not been paid any amount by way of milling charges and transportation charges to which he is entitled. According to the petitioner, he is entitled to a sum of Rs. 11,77,412/- including security deposit for the two years in question as well as value of 269.43.315 quintals of advance CMR relating to Kharif Marketing Season 2010-11 for which proportionate paddy was not supplied to the petitioner and for all of which the petitioner has filed a representation which remains pending.

4. It is submitted on behalf of the Respondent Corporation that the claim of the petitioner has not been supported with documents.

5. Having heard the parties and on a consideration of the materials on record, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Chairman-cum-Managing Director, Bihar State Food & Civil Supplies Corporation, 5th Floor, Son Bhawan, Bir Chand Patel Marg, Patna 800 001 (Respondent No. 2) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount

became due till the date of its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Chandran

U			
---	--	--	--