

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3837 of 2016

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1. Dhanarua Vyapar Mandal Sahyog Samiti Ltd. Dhanarua, District- Patna through its Chairman, Anup Kumar.
 2. Anup kumar, son of Sri Jagdish Prasad, Resident of village- Chhitrauli, PO- Pavera, P.S- Daharua, District Patna, Chairman, Dhanarua Vyapar Mandal Sahyog Samiti Ltd. Dhanaura, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Additional District Magistrate (Supply), Patna, District- Patna.
4. The Sub-Divisional Officer, Patna, District- Patna.
5. The Block Development Officer, Dhanarua District Patna.
6. The Managing Director, Patliputra Central Co-operative Bank Ltd. Patna District Patna.
7. Bihar State Food and Civil Supplies Corporation Ltd, Patna through its Managing Director.
8. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Patna.
9. Paddy Purchase Centre, Dhanarua, Patna through the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv. with Ms. Anju Kumari @ Anju Narain
For the Respondent-State	:	Mr. Indrajeet Bhushan, AC to GP-2
For the Respondent-Bank	:	Mr. Kishore Kumar Sinha
For the Respondent-BSFC	:	Mr. Nirmal Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-03-2016

Heard Mr. Rajendra Narayan, learned senior counsel appearing for the petitioners, Mr. Indrajeet Bhushan, learned Assisting Counsel to Government Pleader No.2 for the State, Mr. Kishore Kumar Sinha, learned counsel appearing for the respondent no.6, the Managing Director, Patliputra Central Cooperative Bank Limited and Mr. Nirmal Kumar, learned counsel appearing for the Bihar State Food and Civil Supplies Corporation (hereinafter

referred to as 'the Corporation').

The petitioner no.1 is a cooperative society registered under the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') and 'the Rules' framed thereunder and the petitioner no.2 is its Chairman and both are aggrieved by the action of the respondent-Corporation in not making payment of the supply of paddy made by the society during the Kharif Marketing Season 2014-15.

Mr. Narayan, learned senior counsel appearing for the petitioners with respect to the purchase –cum- payment vouchers present at Annexure-1 series submits that the petitioners have made supply of 13,469.80 quintals of paddy to the respondent-Corporation and initially received payment only in respect of 8,342 quintals of paddy while the payment in respect of 5,127.80 quintals of paddy remained pending with the Corporation. It is submitted that of the remaining 5,127.80 quintals of paddy the respondents again made payment in respect of 1,873.20 quintals of paddy in August, 2015 but yet the payment in respect of 3,254.60 quintals of paddy remains pending. He submits that the details of the purchase in respect of the pending 3,254.60 quintals of paddy is present at Annexure-1 series which purchase is within the prescribed period.

Although objection is being raised by Mr. Nirmal Kumar on oral instruction to contest the prayer made herein by submitting



that the purchases were made after expiry of the scheme on 31.8.2015 but the oral instruction so received by Mr. Kumar is contrary to the evidence on record which apparently confirms the purchase made within the prescribed period and in fact before 15.4.2015 which was the period prescribed under the scheme enforced by the Government of India for supply of paddy during the Kharif Marketing Season 2014-15 whereunder the society was required to supply the paddy until 15.4.2015 and whereafter they were required to convert the same into custom milled rice (hereinafter referred to as 'the CMR') and which was to be supplied until 31.8.2015.

The purchase –cum- payment vouchers present at Annexure-1 series confirms the purchase. Mr. Narayan refers to the letter written by the Joint Registrar, Cooperative Societies, Bihar, Patna dated 21.8.2015 addressed to the Managing Director of the Corporation present at Annexure8; a letter written by the District Cooperative Officer, Patna dated 24.8.2015 addressed to the District Manager present at Annexure-9 and the letter of Chief of Finance of the Corporation also addressed to the District Manager on 3.9.2015 present at Annexure-10 to submit that even when the authorities of the State as well as the Chief of Finance of the Corporation have issued directions in this regard, yet they have not taken sufficient step to ensure that the payment is to be made to the

petitioner-society. He submits that the unfortunate part is that even while the delay is on the part of the Corporation to make the payment timely it is the petitioner- society who has to suffer interest at the hands of the Bank.

Having heard learned counsel for the parties and considering the undisputed document on record which confirm that a balance of 3,254.60 quintals of paddy purchased by the Corporation remains pending for payment this Court directs the Managing Director of the Corporation as well as the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna to forthwith ensure payment of price of 3,254.60 quintals of paddy supplied by the petitioner-society within a maximum period of four weeks from the date of receipt/production of a copy of this order failing which the price payable to the petitioner-society would carry an interest @ 11% per annum payable from the date of supply i.e. April 2015 until the payments are made by the Corporation.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

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