

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17222 of 2014

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Sonu Kumar Mishra, Son of Sri Brij Mohan Mishra, Proprietor Mahabir Modern Mini Rice Mill, Monia Bigha, Dalmianagar, P.S. - Dalmianagar, District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Food and Civil Supply Corporation Ltd., 5th Floor, Sone Bhawan, Bir Chand Patel Path, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Sasaram.
3. The District Supply Officer, Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anirudh Kumar Sinha, Advocate

For the Respondents : Mr. M.K. SINHA, SC 1

For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-03-2016

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent-Corporation.

2. The present writ petition has been filed for a direction to the respondents to pay the petitioner a sum of Rs. 3,22,274.65/- (Three lacs twenty two thousand two hundred seventy four and sixty five paise only) against Milling Charge inclusive of fare of transportation which was supplied to the respondents for the year 2010-11.

3. Learned counsel for the petitioner submits that the petitioner is a rice mill owner and claims to have been supplied 15876.71 quintals of paddy during the year 2010-11 which was duly milled and the requisite supply of 67% of rice was made to the

respondents, entitling to be paid at the agreed rate of Rs. 15/- per quintal towards milling charges as well as at the rate of 17 paise per quintal by way of transportation charges.

4. Learned counsel for the petitioner invites attention to the letter dated 30.11.2011 issued by the District Manager, Bihar State Food & Civil Supplies Corporation Limited accepting the delivery of rice for which payment has been claimed.

5. Having regard to the nature of the grievance of the petitioner, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Principal Secretary, Bihar State Food & Civil Supplies Corporation Limited, Patna (Respondent No. 1) 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)

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