

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19796 of 2011

M/S Golchha Udyog, a Partnership Firm, having its Factory at Gandhi Chowk, Forbesganj through its authorized signatory, Mukesh Golchha S/o Shri Mangilal Golchha, resident of Arun Golchha Path, Ward No. 5, P.O. & P.S. Forbesganj, Distt. Araria

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary
2. The Principal Secretary, Food & Consumer Protection Department, Bihar, Patna
3. The Food Corporation of India through its Regional Manager, Arunachal Building, Exhibition Road, Patna 800001
4. The General Manager, Bihar Region, Food Corporation of India, Arunachal Building, Exhibition Road, Patna 800001
5. The Area Manager, Food Corporation of India, District Office, Purnea
6. The Area Manager, Food Corporation of India, District Office, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Suraj Samdarshi, Advocate
For F.C.I. : M/s. P.K. Verma, Senior Advocate and
Mankeshwar Tiwari, Advocate
For the State : Mr. Vijay Kumar Verma, A.C. to G.A.3

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-06-2016

The present writ petition has been filed for a direction to the respondent authorities to supply the proportionate paddy to the petitioner in respect of advance rice supplied by the petitioner weighing 296 quintals in terms of the invitation for milling of FCI Paddy Procurement during kharif marketing season 2008-09, together with interest over the current price of paddy.

2. The short facts of the case are that the petitioner supplied advance rice weighing 296 quintals against which it became



entitled to 435.29 quintals of paddy. Against the delivery of advance rice, Release Order No.1175/Paddy Com/09 dated 22.12.2009 was issued by the Depot In-charge, Food Corporation of India (in short “FCI”) in favour of the petitioner. Soon thereafter by letter dated 29.11.2009, the petitioner requested for change of place of delivery of the paddy or for delivery of the same on the basis of actual weight for which the petitioner was prepared to give 1% extra rice as per existing norms. Despite representations from time to time for delivery of the paddy against the advance rice supplied by the petitioner, the paddy has not been delivered to the petitioner till date.

3. Learned counsel for the petitioner submits that the fact of delivery of advance rice is not in dispute as evident from the very fact that the aforesaid release order for the paddy had been issued in the petitioner’s favour. A request, however, for change of place of delivery had to be made considering that the bags in the Mahabalipur godown from where the paddy had to be lifted, appeared at sight to have shortage. The respondent-FCI did not respond to the petitioner’s representations thereby forcing the petitioner to approach this Court for appropriate relief.

4. The counter affidavit filed on behalf of the FCI does not dispute the above facts but merely seeks to raise doubt about the petitioner’s visit to the FCI Depot/Godown, the basis of which is more

assumed than real. None of the reasons stated in the counter affidavit was communicated to the petitioner at the relevant time. The FCI has also failed to show that it would have suffered any prejudice by accommodating the request of the petitioner for change of the Depot/Godown for lifting the paddy. The obligation to supply paddy to the petitioner is per se not denied by the respondent-FCI.

5. In the above circumstances, this Court is of the view that in the interest of justice, the respondent-FCI is directed to permit the petitioner to lift the paddy from any of its Godowns/Depot other than Mahabalipur Godown, if the paddy in question has not already been supplied to the petitioner.

6. With the aforesaid observations, the writ petition stands allowed.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28-06-2016
Transmission Date	