

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2918 of 2016

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Md. Shahnawaj Ansari S/o Shamsul Ansari R/o village - Sajaur, P.S. Sajaur,
District - Bhagalpur, through its President, Momin Bunkar Vikas Committee, Phari
Gali, Nath Nagar Chuk, P.S. Nath Nagar, District Bhagalpur – 812006

.... Petitioner

Versus

1. The Union of India through Commissioner, Ministry of Micro Several
Mededium Enterprises Govt. of India
2. Khadi and Village Industries Commission through Chief Executive Officer, 3
Irla Road, Vile Parle (West) Mumbai - 400056
3. The Director, Khadi and village Industries Commission, Sheikhpura, P.O. B.V.
College, Distt. - Patna
4. The Resham Bunkar Khadi, Gramoudyog Sangh through its Secretary, Alim
Ansari, Village Jamin Dariapur, P.O. Dariapur, Distt. - Bhagalpur, Bihar (Patna)

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Md. Aslam Ansari, Advocate
For Respondent No. 1	:	Mr. S.D Sanjay (Addl. Soc. Gen.) Mr. Ravindra Kumar Sharma, CGC
For Respondent Nos 2 & 3	:	Mrs. Nivedita Nirvikar, Advocate Mr. Dharmendra Chaubey, Advocate Mr. Manoj Kumar, Advocate
For Respondent No. 4	:	Mr. Ajit Narayan Lall, Advocate Mr. Amit Narayan, Advocate Mrs. Nirmala Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 30-08-2016

We had passed a detailed order on 20.05.2016 in
respect of this writ petition, which was by the poor weavers of
Bhagalpur who were demanding their incentives, which the Central
Government had disbursed to the Khadi and Village Industries
Commission, Patna, for disbursement to them through their
Cooperative, Respondent No. 4 i.e. Resham Bunkar Khadi Gram
Udyog Sangh, Dariapur, district Bhagalpur. This incentive is properly



known as Marketing Development Assistance (MDA). The allegations were serious including the allegation that in absence of payment of bribe, the money was not being released. We had directed, noticing in the said order, the dispute, enquiry, by the Central Vigilance Commission. The enquiry having been conducted, a report has been received under sealed cover. We have perused the report in detail. The facts are not as simple as they were projected in the writ petition. Basically, the report is that respondent No. 4, the Cooperative was not maintaining proper accounts, even the representatives of the Vigilance Commission were not shown the proper audited accounts. The transactions claimed were highly doubtful. How and when the beneficiaries were paid was also doubtful, as all payments were being shown in cash. Full details of how these were disbursed, were also not available. However, after our order dated 20.05.2016, substantial amounts were then released. The matter is being looked into. The charge of demand of bribe has been negatived.

Having perused the record, we would dispose of this writ petition with the following directions :

Any payment, that is to be made to any weaver, the Cooperative would quantify the same and inform the KVIC. The weavers would be required to open ADHAR card linked bank accounts. They would also be required to disclose other particulars, as

required by KVIC, directly to KVIC and payments from KVIC would be made directly to the ADHAR card linked bank accounts. We are surprised how as late as in July this year money was transferred by KVIC, Mumbai to the Cooperative instead of channelising it to the bank accounts of the weavers. From the report submitted by the Commission, it appears that the Cooperative, respondent No. 4 has filed its report running into over 250 pages, which should be examined by KVIC, Mumbai or any competent authority and appropriate actions be taken. No further payments would be released to the weavers unless they open the stipulated bank account. There would be no payment in cash. This would not only apply to this Cooperative but all other similar Cooperatives working under KVIC. Upon KVIC being satisfied with the accounts, it may take decision for disbursement of further MDA.

With these observations and directions, the writ petition stands disposed of.

The report from the office of the CVC be kept on record.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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