

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14475 of 2013

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Umesh Prasad Gupta, S/o Sri Dawarika Prasad Gupta, Resident of Vill. and P.O. Mahuawa, P.S. Chhoradano, District - East Champaran at Motihari.

.... Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Limited, 5th Floor, Sone Bhawan, Birchand Patel Path, Patna – 1.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, 5th Floor, Sone Bhawan, Birchand Patel Path, Patna – 1.
3. The District Manager, State Food Corporation, Motihari, East Champaran.
4. The Assistant Account Officer, Bihar Food and Civil Supplies Corporation, Motihari, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Amrendra Narayan Rai
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 01-03-2016 Heard Mr. Suraj Samdarshi, learned counsel appearing for the petitioner and Mr. Shailendra Kumar Singh, learned counsel appearing for the Bihar State Food and Civil Supplies Corporation.

Although a rather generalized relief has been prayed for in this writ petition but when the matter is taken for consideration Mr. Samdarshi, learned counsel for the petitioner chooses to restrict the prayer present at paragraph-1(iii) of the writ petition requiring the District Manager of the Bihar State Food and Civil Supplies Corporation to dispose of

the show cause reply so filed by the petitioner responding to the notice brought on record vide Annexure-12 to the writ petition whereby the petitioner was directed to respond as to why not margin money be deducted from his pending bills.

The agreement in between the parties is not in dispute and is manifest from the document present at Annexure-1 which was valid for the year 2010-11 and required the petitioner to discharge certain obligations mentioned therein at the rates which also finds mentioned in the agreement.

Amongst the relief so prayed in the writ petition since Mr. Samdarshi has limited the grievance of the petitioner to the deduction of the margin money vide Annexure-13 to the tune of Rs.16,36,002.55/- which he alleges is without disposing of the reply of the petitioner present at Annexure-7, filed in response to the notice dated 23.2.2012 present at Annexure-12, this Court deems it fit and proper to direct the District Manager of the Corporation who is the author of the notice and before whom the reply, a copy of which is present at Annexure-7 remains pending to consider the issues raised by the petitioner objecting to the deductions of the margin money and dispose of the same by a speaking order in accordance with law but after giving an opportunity of

hearing to the petitioner preferably within three months from the date of receipt/production of a copy of this order.

Needless to add that if the decision of the District Manager would not suit the petitioner he shall be at liberty to take recourse to the remedy as provided under Clause-17 of the agreement.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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