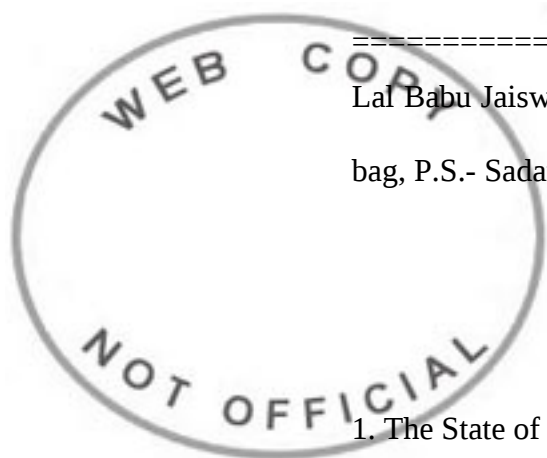




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9392 of 2015

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Lal Babu Jaiswal son of Sri Achche lal Prasad resident of Vhandan Nagar, Gulab bag, P.S.- Sadar , District - Purnea, Proprietor Lal Ji Raw Rice Industries , Purnea.

.... Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
- 2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
- 3. The Managing Director , Bihar State Food and Civil Supply Corporation , Sone Bhawan , Birchand Patel Path , Patna.
- 4. The Deputy Chief (Claim), the Bihar State Food & Civil Supply Corporation , Sone Bhawan , Birchand Patel Path Patna.
- 5. The District Magistrate, Supaul.
- 6. The District Manager, Bihar State Food and Civil, Supply Corporation, Supaul.
- 7. The District Manager, Bihar State Food and Civil Supply Corporation, Madhepura.

.... Respondent/s

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Appearance :

- For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
- For the State : Mr. M. K. Sinha, SC-1 with
Mr. Ashutosh Singh, AC to SC-1
- For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 06-01-2016

Heard learned counsel for the parties.

The petitioner in the present writ application is the rice mill owner and prayer is that for recovery of dues of the respondent Corporation a certificate case has been instituted but there are also dues on the Corporation to be paid to the petitioner on account of rice milling and transportation-cum-handling charges.

Learned counsel for the petitioner submits that though the respondent Corporation has to make payment to the petitioner on account of milling of rice and transportation-cum-handling charges in the Districts of Madhepura and Supaul, but it has filed a case under the Public Demands Recovery Act relating to milled rice which has not been delivered to it by the petitioner without making final accounting relating to the dues of the petitioner.

Learned counsel for the respondent Corporation has no objection and submits that it would do proper accounting with regard to the payable amount due to the petitioner and thereafter the demand under the certificate case would automatically be revised.

In view of the aforesaid, the writ petition stands disposed off with a direction to the parties to sit together and make final accounting relating to the demand of the petitioner on account of him

having supplied milled rice and transportation-cum-handling charges.

For the said purpose, the petitioner shall appear before the Deputy Chief of Claim of the respondent Corporation on 12th January, 2016 along with a copy of this order when a date shall be fixed for actual verification of the account from the relevant records. The exercise be completed within two months and thereafter a revised demand, if any, shall be submitted before the Certificate Officer.

Further proceeding in the certificate case shall remain stayed till 15th March, 2016.

(Ahsanuddin Amanullah, J)

Anjani/-

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