

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9423 of 2017

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1. Kundan Kumar Suman, S/o Ramnath Prasad, R/o- Maulbi Ganj B- 8, Industrial Area Bella, P.S.- LNMU, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Department, Bihar, Patna.
2. The Managing Director, BSFC, Bihar, Patna.
3. The District Collector, Darbhanga.
4. The Certificate Officer, District- Darbhanga.
5. The District Manager, SFC, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra
For the Respondent	:	Mr. Nirmal Kumar
For the State	:	Mr. S.Raza Ahmad,AAG5
		Mr. Md. Kamil Akhtar, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-09-2017

Heard the parties.

In the present case, petitioner is challenging the initiation of Certificate Case No.6 of 2016-2017.

As per petitioner he has milled the paddy and supplied the C.M.R. but certain amount of rice i.e. 174.77 Quintal could not be deposited and for that price comes to Rs. 3,32,610.03/-. As per petitioner he has deposited Rs. 1,95,000/- through demand draft.

Learned counsel for the petitioner submits that petitioner is ready to pay the rest amount subject to the condition that Corporation has not adjusted the milling and transporting



charges.

Counter affidavit has been filed on behalf of the BSFC where statement has been made that required document has not been produced by the petitioner and in such circumstances, accountancy could not be done.

Petitioner is also challenging the quality cut of the BSFC. It is well known principle of law that if quality is not up to the mark then certainly the Corporation will be entitled to cut the same.

In such view of the matter, petitioner is directed to file an objection before the Certificate Officer Darbhanga claiming milling and transporting charges and BSFC will be at liberty to file its reply to the objection filed by the petitioner and Certificate Officer will be obliged to consider the claim of both sides and decide the matter in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.9.2017
Transmission Date	NA

(Shivaji Pandey, J)

