

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12218 of 2016

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Nagendra Nath Singh, Son of Late Ram Swaroop Singh, Proprietor of M/s Janpati
Rice Mill, Mahadeopur, Phulari, P.S. Bihta, District - Patna

.... Petitioner

Versus

1. The State of Bihar, through District Magistrate, Patna.
2. The Bihar State Food and Civil Supplies Corporation Limited, through its M.D.,
Bihar at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Patna, District – Patna.
4. The District Certificate officer, Danapur, District Patna.
5. The Chief of Finance, Finance Department, Bihar State Food and Civil Supplies
Corporation Limited, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
Mr. Abhiprav Singh, Adv.
For the B.S.F.C. : Mr. Aditya Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 30-03-2017

Heard learned counsel appearing for the parties.

- 2.** This Court in the order dated 28.02.2017 has recorded the submission of the petitioner that he should be granted “No Objection Certificate” in view of the fact that his wife namely, Prabha Devi, who is the proprietor of M/s Lakshmi Rice Mill, Sikandarpur, Bihta, had requested for adjustment of Rs.28,26,661/- which she is entitled as bill of milling and handling, if this amount would be adjusted against the bill of the petitioner, then there will



be no outstanding dues against the petitioner. This Court has directed the Bihar State Food and Civil Supplies Corporation to file counter affidavit.

3. A counter affidavit has been filed by the Bihar State Food and Civil Supplies Corporation, where there is no denial that the wife of the petitioner, namely, Prabha Devi is the proprietor of M/s. Lakshmi Rice Mill, Sikandarpur, Bihta and she is entitled to milling and handling charge.

4. In such view of the matter, it will be equitable and in the interest of justice to direct the petitioner to file a detailed application before the Deputy Chief of Claims, Bihar State Food and Civil Supplies Corporation, Headquarter, attaching the affidavit of his wife namely, Prabha Devi, making a statement in the affidavit that the amount which she is entitled be adjusted against the outstanding dues standing against the petitioner. After adjustment and reconciliation of the account, if it emerges that certain amount is to be paid by the petitioner, then the petitioner will be obliged to pay the same within the time framed prescribed by the Deputy Chief of Claims, Bihar State Food and Civil Supplies Corporation. If it is found that it is Corporation, which has to pay back the amount to the petitioner, then the Corporation will be obliged to pay the



same without unnecessary delay.

5. The Deputy Chief of Claims, Bihar State Food and Civil Supplies Corporation, will reconcile the account along with the account of the wife of the petitioner namely, Prabha Devi, within a period of eight (8) weeks from the date of filing of application by the petitioner.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	31.03.2017
Transmission Date	N/A.

