

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11730 of 2016

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Anand Kumar Singh, Proprietor, M/s Bhole Shankar Rice Mill, S/o Sri
Bharat Singh resident of village - Balihari, P.O. Luka, P.S. Pouthu, District
- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna 800001
3. The District Manager, Bihar State Food Corporation Ltd., Aurangabad (Bihar)
4. The Branch Manager, Bihar State Food Corporation Ltd. (Supply), District Aurangabad (Bihar)
5. The In-charge, Paddy Crop Purchase Centre, Rafiganj, District Aurangabad (Bihar)
6. The District Certificate officer, Aurangabad (Bihar)

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
For the State : Mr. Binod Kumar Yadav, SC-18
For the Food Corporation: Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 27-03-2017 Heard learned counsel for the petitioner and learned
counsel for the B.S.F.C. are present and have been heard.

In the present case, there is a liability of 53,528,00/- over
the head of the petitioner on account of non-deposit of CMR.

The petitioner is a miller, who was allotted the paddy and
accordingly he was to return the proportionate amount of the CMR
which the petitioner has not done, led to the initiation of
proceedings vide Certificate Case No. 18 of 2014-15. A demand



was raised amounting to Rs. 43,2528/- plus interest and court fee. The District Certificate Officer finally has disposed of the matter vide order dated 16.2.2016 whereby the petitioner has been directed to pay an amount of Rs. 53,52,528/-, at below it has been recorded that the amount which has been paid by the petitioner will be adjusted against the total outstanding dues amount, petitioner will have to pay the rest amount. In view of the criminal case, the bank account of four persons, namely, (1) Bharat Singh; (2) Dharmendra Kumar Singh; (3) Dharmendra Kumar Singh; and (4) Anand Kumar Singh have been seized.

The counsel for the petitioner submits that the petitioner is ready to deposit the amount which is showing outstanding against him.

It is submitted on behalf of the petitioner that 90% of the amount showing in all the accounts be transferred in favour of the B.S.F.C. and rest amount he will deposit within nine months in equal installment.

The Bank authorities are directed to remit 90 % of the amount from the respective accounts as mentioned hereinabove in favour of the B.S.F.C. and release all Bank Accounts of the aforesaid persons. The petitioner is equally directed to abide by his commitment and make payment within nine months in equal



installment, in failure to deposit any installment as per his commitment, the respondent authority will be at liberty to take legal course in accordance with law. The respondent authority will also adjust the milling and transportation amount and the interest incurred, if any, standing in favour of the petitioner.

After transfer of 90 per cent of the amount in favour of the B.S.F.C., the Deputy Chief of Claims, B.S.F.C. is directed to serve the details of the claims after making proper adjustment of the amount, within a period of one month from the date of receipt / production of a copy of this order. The bank is equally directed to release the accounts within two weeks.

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

(Shivaji Pandey, J)

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