

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10847 of 2016

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Arvind Prasad Singh, son of late Yamuna Prasad Sah, resident of village- Sakari,
P.O. and P.S.- Kudra, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State Food Corporation through its Managing Director, Patna, Bihar.
2. The Managing Director, S.F.C., Bihar, Patna.
3. The District Manager, S.F.C. Kaimur at Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Aditya Prakash Sahay, Adv.
Mr. Navin Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-02-2017

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the notification issued by the Managing Director, State Food Corporation wherein it has been mentioned that the petitioner has not supplied 271.69 quintal C.M.R. to the Bihar State Food and Civil Supplies Corporation (in short "B.S.F.C.") and, on that account, a notice has been issued for deposit of Rs. 4,67,061.39/-.

Learned counsel for the petitioner submits that he has entered into an agreement with the B.S.F.C. for milling the paddy, in pursuance thereof, he was supplied 5306 quintal of rice and proportionate amount of rice comes to 3555 quintal. As per B.S.F.C. he has not supplied 271.69 quintal of rice which comes to Rs. 4,67,061.39/-.

Learned counsel for the petitioner submits that he has



supplied the entire amount of rice which he was required to supply in terms of the agreement and wrongly this notice has been issued to him as it requires reconciliation of the account. If proper accounting would be done then he will be able to explain the amount of rice he has supplied. In support of his submission, he has attached number of challans.

In the considered opinion of this Court, this issue cannot be gone into in the writ jurisdiction. In that view of the matter, this Court directs the petitioner to file a detailed representation to the Managing Director, B.S.F.C. with all details of fact along with the proof of supply of C.M.R. If such an application is filed by the petitioner, the Managing Director, B.S.F.C., after giving proper notice to the petitioner, will settle the dispute within a period of three months from the date of filing of an application by the petitioner. If it is found that the petitioner has already deposited the entire amount of C.M.R., then the Managing Director, B.S.F.C. would be obliged to recall the notice dated 5.5.2016.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	

