

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13566 of 2016

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1. Suresh Prasad, Son of Late Jawahar Prasad, resident of Gulab bag, P.S.- Sadar,
District- Purnea, Proprietor, New Shiv Shakti Udyog, Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Limited, Patna.
4. The District Magistrate, Supaul.
5. The Superintendent of Police, Supaul.
6. The Certificate Officer, Supaul.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate.
For the BSFC : Mr. Shailendra Kumar Singh, Advocate.
For the State : Mr. Bijoy Kumar Sinha, AC to AAG IV

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsel for the petitioner and learned
counsel for the State as well as Corporation.

In the present writ petition, petitioner has raised a
grievance that without proper settlement of account, improper
demand has been made by the respondent under the Public
Demand Recovery Act.

Petitioner is a Miller claiming for payment of charges of
milling, handling and transportation including the security
deposit and if the same would be adjusted then the question of any



outstanding dues against the petitioner does not arise. The petitioner has entered into an agreement and in pursuance thereof he has received the paddy from the District Manager and in pursuance thereof he was to mill the paddy and return the same. Petitioner has received the quantity of paddy of 510.83 quintals and after milling he was to give CMR 342.25 quintals of the rice. Out of that petitioner has deposited CMR of 297 quintals rest 45.25 quintals was to be deposited by the petitioner but the petitioner has not deposited the same worth Rs.9,79,915.90/-. When the petitioner has not deposited the said amount a demand notice was given to him even many years has passed but he failed to pay the same, thereafter certificate proceeding has been initiated vide Certificate Case No.62 of 2014-15.

Learned counsel for the petitioner submits that petitioner is entitled to the charges of milling, handling and transportation including security amount is also lying with Corporaiton. If all the amount would be added and adjusted in such circumstances petitioner will not be liable to pay as is entitled to charges of milling, handling and transportation and adjustment of security deposit and further he has already deposited Rs.8,11,400 i.e. entire amount of demand notice and as such after adjustment he is entitled to the amount from the Corporation itself.



These are matters of calculation. It is matter of accountancy. In such view of the matter, petitioner is directed to file a detailed representation to the Managing Director, Bihar State Food and Civil Supplies who will examine the case of the petitioner and if it is found that certain money is to be paid to the petitioner, in that circumstance the Corporation will be obliged to pay the same within three months but in contra if any amount is to be paid by the petitioner that should also be paid by the petitioner within the aforesaid period. If the Managing Director arrives to a conclusion that petitioner has already deposited the excess amount in such circumstances the proceeding before the Certificate Officer will be treated to have been quashed.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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