

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18660 of 2016

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Upendra Kumar, son of Mahesh Prasad, Proprietor of M/S Jai Hanuman Rice Mill,
Belaganj (Gaya), Resident of Village+P.O.- Belaganj, P.S.- Belaganj, District-
Gaya.

.... Petitioner/s

Versus

1. The Food And Consumer Protection Department through its Principal Secretary,
Bihar at Patna.
2. The State of Bihar through District Magistrate, District- Gaya.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D.,
Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Gaya, District- Gaya.
5. The Deputy Chief Finance, Bihar State Food and Civil Supplies Corporation
Limited, Bihar at Patna.
6. The District Certificate Officer, Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr. Santosh Kr. Mishra, AC to GP-9
For the BSFC : Mr. Aditya Prakash Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-02-2017

Heard the parties.

In the present writ petition, petitioner is challenging the
action of the respondent authority in giving direction to institute an
FIR against the defaulter of payment towards the Bihar State Food
and Civil Supply Corporation Limited (hereinafter referred to as the
Corporation).

Learned counsel for the petitioner submits that Certificate
Case No.16/2015-16 for the amount of Rs.8,000,42.97/- has been
instituted for realization of the said amount. As per record it appears



that C.M.R. of 2,66,784 of MT of Rs. 57,27,367.39/- was standing against the petitioner out of that amount he has deposited Rs.49,77,238/- and there is difference of Rs.8,00,129.59/- which is the amount to be recovered from the petitioner but the certificate proceeding indicates the amount dues of Rs.8,00,042/-. Petitioner has submitted his bill for milling as well as for transportation including other items of money mentioned in application addressed to Certificate Officer has been deposited by different cheques and drafts. Details have been given in his letter received on 14.8.2015 which has been received by the Office of the District Manager of the Corporation wherein total amount has been mentioned to Rs.49,77,238/-. If figure mentioned in the letter is correct it requires reconciliation of account. As it appears that some amount of money is to be returned to the petitioner as demand has been made of Rs. 8,00,042/- whereas petitioner in letter dated 14.8.2015 has mentioned the amount of Rs. 49,77,238/- has deposited and not adjusted the amount which he is claiming on different heads.

Petitioner is directed to file a detailed representation along with bills before the Managing Director of the Corporation and Managing Director of the Corporation is supposed to examine the case of the petitioner. 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 six weeks from the date of filing of the representation vis-à-vis if any amount is to be paid by the petitioner that should also be paid by the petitioner within the aforesaid period

In the meantime, the authority will not institute any criminal case or not proceed with the certificate proceeding till the decision of the Managing Director of the Corporation. If the finding of the Managing Director comes in favour of the petitioner then the proceeding of the certificate case will be treated to have been quashed. With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	

