

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5855 of 2017

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1. M/s Ridhi Siddhi Agriproducts Private Limited Through Its Managing Director, Shailesh Kumar, S/o Shri Vinod Prasad Gupta, R/o C-102, Industrial Area, At-Kumarbagh, P.S.- Chanpatia, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supplies Corporation Limited through the Managing Director, Patna, Bihar.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Limited, Patna, Bihar.
4. The Head (Finance), Bihar State Food and Civil Supplies Corporation, Limited, Patna, Bihar.
5. The Deputy Head Claims, Bihar State Food and Civil Supplies Corporation, Limited, Patna, Bihar.
6. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary
For BSFC	:	Mr. Shailendra Kumar Singh,
For the State	:	Mr. S.Raza Ahmad-AAG5,
		Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-10-2017

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

In the present case, petitioner has made a limited prayer to make payment of interest over and above the amount of Rs. 17,60,158.94 which was standing against BSFC as transporting and milling charges.

Petitioner has entered into an agreement and as per



agreement petitioner was to give 67% CMR. Petitioner has defaulted but later on payment has been made from time to time. The Corporation also paid milling and transporting amount but deducted the interest amount over the principle amount.

Learned counsel for the petitioner has raised short point that in the agreement, for milling and transporting the paddy, no provision of interest to the Corporation has been mentioned but the Corporation has taken the interest at the rate of 18% compound interest. Prayer has been made that in the same vein the petitioner should also be paid the interest over and above the amount which has been paid by him.

Learned counsel for the BSFC submits that petitioner has not paid the amount of his own but after lodging of PDR case and before passing final order, payment was made. It has further been submitted that petitioner has not paid the amount in one go but made in different installments and ultimately final payment has been made by the petitioner in 2016. As the amount of the petitioner remained outstanding against the Corporation for quite long time in the interest of justice and equity the Corporation is directed to make payment of interest at the of 12 % simple interest.

With the aforesaid observation and direction this writ



petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2017
Transmission Date	NA

