

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.378 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 10441 of 2014**

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M/s Om Sai Rice Mill through Binod Sah, Son of Sri Shubh Lal Sah, resident of
Semari, P.O.-Dharampur, P.S.-Sathi, District-West Champaran (Bettiah)

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Food & Civil Supply, New Secretariat Patna
2. Bihar State Food and Civil Supplies Corporation Limited, Patna through its Managing Director.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Magistrate, Bihar State Food and Civil Supplies Corporation Limited, West Champaran (Bettiah)
5. The District Magistrate, West Champaran, (Bettiah).

.... Respondent/s

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Appearance :

For the Appellant	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Md. Anisul Haque, AC to AAG-5
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 02-03-2017

Re: Interlocutory Application No.1418 of 2017

The application is for condonation of delay of 2 years

156 days in filing the Letters Patent Appeal.



2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No.1418 of 2017 is allowed and delay in filing the Letters Patent Appeal is condoned.

Re: Letters Patent Appeal No.378 of 2017

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench of this Court on 27.08.2014 deciding the writ application in light of the order passed in C.W.J.C. No. 7736 of 2014 (M/s Shiv Industries vs. The State of Bihar & Ors.) decided on 22.07.2014.

L.P.A. No. 1709 of 2014 against the said judgment stands decided vide judgment reported as 2015(4) PLJR 422 (Arvind Kumar vs. State of Bihar).

It is pointed out by learned counsel for the appellant that the order passed in Letters Patent Appeal has since been partly modified on 23rd August, 2016 in Civil Review No. 150 of 2015 (Rohit Rice Mill vs. The State of Bihar and Ors.).

After hearing learned counsel for the parties, we find that the matter in issue is covered by the Arvind Kumar's case (supra).



The appeal is decided in terms of the said judgment and as modified by this Court in Civil Review No. 150 of 2015 (Rohit Rice Mill vs. The State of Bihar and Ors.) decided on 23rd August, 2016.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.03.2017
Transmission Date	

