

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1391 of 2014
IN
Civil Writ Jurisdiction Case No. 7020 of 2014

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1. M/s Shew Vijay Udyog, A Partnership Firm, having its place of business at NH-15, P.O. & P.S. - Farbisganj, District - Araria, through its Partner Sanjay Bayanwala, Son of Vijay Kumar Bayanwala, Resident of R.B. Byelance, Near Samta Bhawan, P.O. & P.S. - Farbisganj, District - Araria.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna, through its Managing Director.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate, Araria.
5. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Araria.
6. The Food Corporation of India, through its General Manager, Arunachal Bhawan, Exhibition Road, Patna-800001.

.... Respondent/s

with

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Letters Patent Appeal No. 1395 of 2014
IN
Civil Writ Jurisdiction Case No. 6583 of 2014

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1. M/s Shew Vijay Udyog, A Partnership Firm Having Its Place of Business At NH 15, P.O. AND P.S. Forbesganj, Distt. - Araria Through its Proprietor, Ram Gopal Goel, Son of Late Mahavir Prasad Goel, resident of NH-57, Chakradaha, Narpatganj, P.S. - Narpatganj, District - Araria.

... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Veer Chand Patel Path, Through Its Managing Director
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Veer Chand Patel Path
4. The District Magistrate, Araria
5. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Araria.
6. The Food Corporation of India, Through Its General Manager, Arunachal Bhavan Exhibition Road, Patna - 800 001

.... Respondent/s

with

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Letters Patent Appeal No. 1396 of 2014
IN



Civil Writ Jurisdiction Case No. 6709 of 2014

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1. M/s Jai Laxmi Laghu Udyog, Proprietorship Firm, having its place of business at NH057, Chakradaha, Narpatganj, P.S. - Narpatganj, District Araria, through its Proprietor, Ranjeet Kumar Son of Basudew Panjiar, resident of Raniganj, Parbanna, P.O. - Mirganj, P.S. - Raniganj, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna, through its Managing Director.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate, Araria.
5. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Araria.
6. The Food Corporation of India, through its General Manager, Arunachal Bhawan, Exhibition Road, Patna- 800001.

.... Respondent/s

with

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Letters Patent Appeal No. 1394 of 2014

IN

Civil Writ Jurisdiction Case No. 6643 of 2014

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1. M/s Golchha Udyog, a Partnership Firm, having its place of business at Gandhi Chouk, P.O. & P.S. - Farbisganj, District - Araria, through its Partner, Mukesh Golchha, Son of Shri Mangi Lal Golchha, Resident of Arun Kumar Golchha Marg, P.O. & P.S. - Farbisganj, District - Araria

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food.
2. The Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Birchand Patel Path, Patna, through its Managing Director
3. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The District Magistrate, Araria
5. The District Manager, Araria, Bihar State Food & Supplies Corporation Limited
6. The Food Corporation of India, through its General Manager, Arunachal Bhawan, Exhibition Road, Patna-800001

.... Respondent/s

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Appearance :

(In all appeals)

For the Appellant/s	:	Mr Y.V.Giri, Sr. Advocate Mr. Suraj Samdarshi
For the BSFC	:	Mr Anjani Kumar, Sr. Advocate Mr Shailendra Kumar Singh
For the FCI	:	Mr Prabhakar Tekriwal
For the State	:	
In LPA No.1391/2014	:	Mr K.P.Gupta, GP 10 Mr Binod Kumar, AC to GP 10



In LPA No.1395/2014 : Dr. A.K.Upadhyay, SC 2
Mr Naresh Pasad, AC to SC 2
In LPA No.1396/2014 : Mr Kumar Manish, SC 5
Mr Alok Kumar, AC to SC 5
In LPA No.1394/2014 : Mr A.B.Sinha, GA 8
Ms Kalpana, Ac to GA 8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-03-2017

All these matters are heard and disposed of together by a declaration that the learned Single Judge has committed no error in refusing to interfere in the writ applications and that disputes are squarely covered under a statutory provisions of Bihar and Orissa Public Demand Recovery Act, 1914 in view of an agreement entered between the parties.

In addition to the above, the Court would also like to add that many such matters had also come earlier before this Court for consideration and refusal by learned Single Judges to interfere with the certificate proceedings or to adjudicate the right, demand or the objection of the miller with regard to the paddy, which was supplied to them, has already been dealt with extensively by another Division Bench in a batch of Letters Patent Appeals starting with LPA No.1709 of 2014. Those appeals came to be decided and disposed of on 17.4.2015.



The Division Bench concludes in following terms :

“In the facts and circumstances of the case, we dispose of all the Appeals by directing:

- (A) The order passed by the learned single Judge in all the writ petitions is upheld;***
- (B) Wherever the appellant offers to pay the balance of the amount covered by the certificate proceedings, Bihar Corporation shall receive the same, if paid within two months from today;***
- (C) The respective appellants shall be entitled to sell the rice, if any, with them and for that purpose if any permission is needed from the Government or the Bihar Corporation, the same shall be accorded, subject to an undertaking given to the effect that they shall have the first charge over the sale proceeds;***
- (D) Criminal proceedings, if any, pending against them shall stand abated, on payment of the entire amount.”***

Nothing more is required to be said or added over and above what the Division Bench has already decided in the interest of decision making.

The effort made on behalf of the appellants to explain the accounting as to what is actually payable or what is not and what all components are required to go into the calculation of cost; whether it is required to be calculated on the price of paddy or the rice is not required to be done by this Court in appeal. There are already certificate cases pending. Such objections or explaining of accounts can be done by these appellants before the certificate officer.



All the appeals stand disposed of with the observation as above. Any interim order or protection granted during the pendency of the appeals shall now stand vacated.

The certificate officer is directed to conclude all the proceedings within a period of three months from the date of production of a copy of this order. All the parties are directed to cooperate with the object of deciding the issue on due priority.

In LPA No.1394 of 2014 no order is passed on IA No.1694 of 2017 because in the opinion of the Court the relief or the issue raised therein is not related to the original adjudication in the writ. However, appellant may seek appropriate remedy in this regard independent of the present LPA which has been disposed of.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	24.3.2017
Transmission Date	NA

