

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18582 of 2016**

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1. Vibhore Kumar Son of Ravindra Prasad Gupta, Proprietor of M/S Lakshmi Rice Mill, Khijarsarai (Gaya) Resident of Village-Khijarsarai, P.S.-Khijarsarai, 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 Magistrate, 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,<br>Mr. Abhiprav Singh |
| For B.S.F.C.         | : | Mr. Aditya Prakash Sahay,                     |
| For the State        | : | Mr. Chotelal Mishra, AC to GA 6               |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 25-01-2017**

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.19 of 2015-16 for the amount of Rs.28,31,372.60 has



been instituted for realization of the said amount. As per record it appears that C.M.R. of 28,06,373 of MT of Rs.60,77,369.114 was standing against the petitioner out of that amount he has deposited Rs.42,43,055/- and there is difference of Rs.28,31,314.11 which is the amount to be recovered from the petitioner but the certificate proceeding indicates the amount dues of Rs.28,31,372. 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 dated 23.12.2015 which has been received by the Office of the District Manager of the Corporation wherein total amount has been mentioned to Rs.28,84,966. If figure mentioned in the letter is correct it requires reconciliation of account. As it appears that few amount of money is to be returned to the petitioner as demand has been made of Rs.28,31,372 whereas petitioner in letter dated 23.12.2015 has mentioned the amount of Rs.28,84,966.

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.

It 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)**

Vinay/-

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| AFR/NAFR          | NAFR     |
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