

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19181 of 2016

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1. Sanjay Kumar Son of Lal Das Yadav, Proprietor of M/S Bhawani Traders Rice Mill, Belaganj (Gaya) Resident of Village-Bhimpura, P.S.-Makhdumpur, District-Jehanabad

.... 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, Ltd., 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
For the BSFC : Mr. Aditya Prakash Sahay
For the State : Mr. Arvind Ujjwal, SC 4
Mr. Maruty Nath Roy, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-03-2017

Heard the parties.

In the present writ petition, petitioner is challenging the action of the Managing Director, BSFC, respondent no.3 by which he has directed to lodge a criminal case vide letter no. 12669 dated 17.10.2016 (Annexure-6) against the defaulter miller.

As per claim of the petitioner he was appointed a miller for milling the paddy and in pursuance thereof proportionate amount



of CMR was to be supplied. As per record it appears that petitioner did not supply rice 14273 of MT value of Rs.30,90,9032.86 and he has claimed for adjustment of milling and handling charges which has been adjusted as it appears from column no.6 which includes Bank guarantee, total comes to Rs. 10,66,145/- including payment has been paid by the petitioner through cheque. Claim has been made by the petitioner that subsequently he has paid Rs. 40,78,009 which is apparently clear from letter of the District Manager, BSFC, Gaya vide letter dated 20.1.2016 after proper adjustment total outstanding dues come to Rs.42,8028.79.

Learned counsel for the petitioner submits that he has also submitted the bill of milling and handling charge for the year 2011-12,2012-13, 2013-14 and 2014-15 and claims that this amount has not been adjusted.

Learned counsel for the BSFC has resisted the prayer of the petitioner and submits that the petitioner has filed objection under Section 9 of the Act instead of approaching to the Certificate Officer to examine the matter and take decision in accordance with law has wrongly approached this Court.

This Court would have refused to entertain the application but the fact which has come for consideration that petitioner



wants reconciliation of account and ready to pay the rest amount.

In such view of the matter, the petitioner is directed to file a detailed representation along with all relevant documents before the Chief of Claim and Chief of Claim is supposed to examine the case of the petitioner and take decision in accordance with law within the period of three months from the date of filing of the representation. 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 thereafter vice versa if any amount is to be paid by the petitioner that should also be paid by the petitioner within 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 Chief of Claim of the Corporation. If the finding of the Chief of Claim of the Corporation comes in favour of the petitioner then the proceeding of the certificate case will be treated to have been quashed.

The petitioner is directed to file the representation within a period of three weeks. In failure to file the same the interim relief granted to the petitioner will be deemed to be withdrawn. In failure to pay the amount by the petitioner the authority will be at



liberty to proceed with the matter in accordance with law.

With the aforesaid observation and direction this writ
petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.3.2017
Transmission Date	NA

