

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

**Civil Writ Jurisdiction Case No.20057 of 2016**

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Govind Prasad, Proprietor, M/s Baidnath Rice Mill, Bodh Gaya, S/o Late Baidnath Prasad, R/o Mohalla- Makhlaht Ganj, P.S.- Kotwali, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Ltd., Khadya Bhawan, Daroga Roy Path, Patna- 800001 through its Managing Director.
3. The District Manager, B.S.F.C.S.C. Ltd., Gaya.
4. The District Magistrate, Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Amar Nath Singh  
For the Respondent nos. 2 to 4 /s : Mr. Vikash Kumar  
For the State : Mr. Shashi Shekhar Prasad Sinha, AAG-6

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

**ORAL JUDGMENT**

**Date: 23-03-2017**

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Food & Civil Supplies Corporation.

The petitioner is aggrieved by the order dated 28.10.2016 (Annexure-1) whereby the petitioner has been asked to deposit Rs.52,06,874/- and 40 paise showing outstanding dues against him.

The petitioner is a Miller-cum-Handling-cum-Transporting Agent, was given 166965.40 quintals of paddy, was



required to deposit 111866.82 quintals of C.M.R., but instead of, he has deposited 79025.71 quintals of C.M.R. but failed to deposit rest quantity of C.M.R.

The Corporation has placed the demand of Rs.52,06,874/- and 40 paisa upon petitioner as outstanding dues.

As per the claim of the petitioner, he has deposited a sum of Rs. 35,54,475/- and after adjustment of the said amount against outstanding dues, comes to Rs. 16,52,402/-. He further submits that his Rs. 15,00,000/- as security money is standing with the Corporation, inasmuch as he has also claimed that the bill of milling and transportation charge of Rs.16,52,402 and 50 paisa has not been paid by the B.S.F.C., Gaya. Submission has been made that if the amount is adjusted, in that circumstance, Corporation will have to return the substantial amount of money to the petitioner.

In such view of the matter, the petitioner is directed to approach the Chief of Claim, B.S.F.C. with a detailed fact, who will be obliged to give notice and hear the present petitioner, make necessary adjustment from the amount which has been deposited. After proper accounting, if the petitioner is still to be liable to pay the amount, he will pay the same within six weeks after the order passed by the Chief of Claim, B.S.F.C. but in case it is found that the Corporation has to return the money, in such circumstance, the



Corporation will also be obliged to return the said amount within the period stipulated herein above.

In the meantime, Annexure-1 and Annexure-5 will remain stayed and if it is found that there is no outstanding dues against the petitioner, Annexure-1 and Annexure-5 will be treated to have been quashed.

**(Shivaji Pandey, J)**

Mahesh/-

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