

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3250 of 2018

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1. Dharmendra Kumar Rai, Chairman of Bachri PACS, Son of Pashuram Rai, Village- Bachri, P.S.- Piro, District- Bhojpur.
 2. Ajay Kumar Ray @ Ajay Kumar Roy, Chairman of Bagar PACS, Son of Gorakh Roy, Village- Bagar, P.S.- Tarari, District- Bhojpur (Ara).
 3. Shiv Shankar Tiwari, Chairman of Bhadsar @ Bharasar PACS, Son of Late Maharaj Tivari, Village- Dih, Lahritiwaridih, Block- Piro, P.S.- Piro, District- Bhojpur (Ara).
 4. Tunna Kumar @ Tunna Kumar Mishra, Chairman of Sonbarsa PACS, Son of Arbind Mishra, Resident of Village- Sonbarsa, P.S.- Charpokhari, District- Bhojpur.

.... Petitioner

Versus

1. The Food And Consumer Protection Department Through The Principal Secretary, Bihar at Patna.
2. The State of Bihar through District Magistrate, District- Bhojpur at Ara.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The Chief General Manager (Procurement), Bihar State Food and Civil Supplies Corporation Limited, Bihar at Patna.
5. The Chairman-cum-District Magistrate, Bhojpur at Ara.
6. The Additional Collector, Bhojpur at Ara.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhojpur (Ara), District- Bhojpur (Ara).

.... Respondents

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Appearance :

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate.
For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-03-2018

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. This matter has been taken up out of turn on the
request of learned counsel for the petitioner for payment of its
outstanding dues and the petitioners sought for following reliefs -



"I. That the present writ application is being filed in the nature of Mandamus for a direction to the Managing Director, B.S.F.C., Chief General Manager (Procurement), respondent no. 4 and the District Manager, B.S.F.C., Bhojpur at Ara for making payment to the PACS in the light of Annexure-9 Series i.e. to petitioner no. 1 who is serial no. 10 of Rs. 23,24,203.20, the PACS Bagar at Serial No. 6 of Rs. 31,20,163.20, the PACS Bhadsar at Serial No. 8 of Rs. 16,03,063.44 and PACS Sonbarsa at Serial No. 12 of Rs. 38,51,187.12; on the ground that the petitioners have done the work for the year 2016-17 and paid money to the farmers on time, the milling work and supply of rice has been completed, there is no dues and the verification is already completed by 3 Member Committee;

II. That the present writ application is being filed in the nature of Mandamus for a direction to the Managing Director, B.S.F.C., Chief General Manager (Procurement), respondent no. 4 and the District Manager, B.S.F.C. Bhojpur at Ara for making the payment to the PACS in the light of Annexure-9 Series with 11% from the date of dues as the PACS is paying the same interest to the Co-Operative Bank from the date of payment of release of money to the farmers;

III. And for issuance of any other relief or relief(s) for which the petitioners are entitled for."

3. Learned counsel for the petitioners submits that despite having completed the milling work and supply of rice for the year 2016-17, an amount of Rs. 23,24,203.20, Rs. 31,20,163.20,



Rs. 16,03,063.44, Rs. 38,51,187.12 remains outstanding for payment.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances of the petitioners and with consent of the parties, this writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Bihar, Patna (Respondent No. 3) with a fresh representation for redressal of their grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioners, within a period of six weeks from the date of receiving the petitioners' representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioners to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioners' claim is found inadmissible, whether in whole or in part, the petitioners' representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioners.

(Vikash Jain, J)



Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.03.2018
Transmission Date	N.A.

