

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3579 of 2018

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Sanjeet Kumar, Son of Sri Navin Kumar Choudhary, Resident of Village-Mohan Aghu, P.S.-Muffasil, District-Begusarai (Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, New Secretariat, Patna.
2. The Managing Director, Bihar State Food & Civil Supply Corporation Ltd, Daroga Prasad Rai Path, Patna.
3. The District Manager, Bihar State Food & Civil Supply Corporation Ltd., Begusarai.
4. Bihar Gramin Bank, through the Regional Manager, Sona Jageshwar Market, Traffic Chowk, Begusarai (Bihar).
5. The Branch Manager, Bihar Gramin Bank, Sona Jageshwar Market, Traffic Chowk, Begusarai (Bihar).

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rajesh Mohan, Advocate.
For the Bank	:	Mr. Ranjeet Kumar Pandey, Advocate.
For the BSFC	:	Mr. Harish Kumar, Advocate.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4
		Mr. S.K. Mallick, Ac to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-03-2018

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent-BSFC.

2. The present writ petition has been filed for a direction to the respondent-State for payment of remuneration/commission to the petitioner as per terms of agreement executed between the petitioner and the Bihar State Food & Civil Supply Corporation Ltd., for supply of customs milled rice (CMR) to the BSFC since 2014 to uptill



now.

3. Learned counsel for the petitioner submits that despite supply of CMR to the BSFC, Begusarai since 2014 in terms of agreement, the respondent BSFC has not paid any remuneration/commission despite several representations.

4. Having regard to the nature of the grievances of the petitioner, this writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Bihar State Food & Civil Supply Corporation Ltd., Daroga Prasad Rai Path, Patna (Respondent No. 2) with a fresh representation for redressal of his 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 petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner 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 petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

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



I.A. No. 1960 of 2018.

6. This interlocutory application has been filed for a direction to the respondents restraining them for not taking coercive steps against the immovable property of the petitioner pursuant to notice dated 21.02.2018 (Annexure-6).

7. Learned counsel for the petitioner submits that the respondents are taking coercive measures for recovery of their dues pursuant to SARFAESI proceedings even though default in payment of the loan occurred on account of non-receipt of dues from the BSFC by way of remuneration/commission.

8. Learned counsel for the Bihar Gramin Bank, on the other hand, submits that the petitioner is neither a borrower nor a guarantor however he is the brother of the borrower and as such the petitioner has no *locus standi*. Moreover, the petitioner's brother has already moved before the Debts Recovery Tribunal for appropriate relief.

9. This Court is in agreement with the submissions made on behalf of the Bank. It would also appear that the prayer in the interlocutory application discloses a completely separate cause of action and cannot be entertained in the present writ petition.

10. I.A. No. 1960 of 2018 stands rejected.

11. The writ petition stands disposed of as above.



(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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