

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16557 of 2018

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1. M/s. Raj Traders through its Proprietor Pushpa Devi, Wife of Sri Rameshwar Prasad @ Pappu Sah, Resident of K G Road, P.S. Ara, Nawada, District- Bhojpur, Bihar.

.... Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, 5th Floor, Sone Bhawan, Patna- 800001.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. 5th Floor, Sone Bhawan, Patna- 800001.
3. The Chief of Finance State Food Corporation Head Quarters, Patna.
4. The District Manager, State Food Corporation District Bhojpur, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.
For the Respondent/s : Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation Ltd.

Learned counsel for the petitioner seeks a direction upon the respondents to make payment of bills of Rs. 35,78,223/- and Rs. 12,90,540/- which were duly recommended by the District Manager of Bihar State Food and Civil Supplies Corporation, Bhojpur, after deduction of income tax in both the bills. The petitioner has also sought for quashing of letter dated 09.08.2017, as contained in Annexure 14, whereby the Managing Director of the Bihar State Food and Civil Supplies Corporation Ltd. has



directed to make payment of bills after the audit of transportation bills through the Audit Team.

Learned counsel for the petitioner had earlier moved before this Court in CWJC No. 9460 of 2016 and CWJC No. 9480 of 2016 for payment of the said bills, as the petitioner was handling and transporting Contractor, which were disposed on 25.01.2017, as contained in Annexure-3 Series with a direction to the Managing Director of the Food Corporation to examine the matter and release the fund without unnecessary delay. The petitioner was also directed to file a representation before the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. and the Managing Director was directed to dispose of the representation within a period of four weeks from its filing.

Learned counsel for the petitioner submits that in pursuance of the said order, he filed a representation on 31.01.2017 as contained in Annexure-4. Although by different Annexures i.e. from Annexure 5 to Annexure 13, different dates were fixed, beginning from 14.02.2017, 27.02.2017, 16.03.2017, 23.03.2017, 21.04.2017, 15.05.2017, 01.06.2018, 30.06.2018 and 27.07.2018, the respondent-Managing Director, Food Corporation by letter dated 09.08.2017, as contained in Annexure 14, took a



new ground and directed the bills of the petitioner to be checked by an Audit Team and submit a report within one week and again the matters were fixed on 25.09.2017 and 24.10.2017 but up till now neither the audit report has been submitted nor the payments were made although the bills were recommended for payment. In spite of the direction in the earlier writ petition, the respondent-Managing Director has taken the spacious ground for having the bills audited.

Learned counsel for the Bihar State Food and Civil Supplies Ltd. is present and heard.

This writ petition is disposed of with a direction to the respondent no. 2, the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. to finalize the bills of the petitioner within a period of one month from the date of receipt of a copy of this order, failing which the petitioner will be entitled to interest at the rate of 5% from the due date of payment.

(Nilu Agrawal, J)

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