IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1245 of 2018
IN
Civil Writ Jurisdiction Case No. 15506 of 2017

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Chhote Lal Prasad, son of Late Basudeo Prasad, resident of Chandan Nagar, Gulab bagh, P.S. Sadar, District Purnea, proprietor of M/s Vivek Mini Rice Mill, Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Patna.
2. The District Magistrate, Madhepura
3. The Superintendent of Police, Madhepura
4. The Certificate Officer, Madhepura
5. The Deputy Superintendent of Police, Madhepura
6. The District Manager, Bihar State Food and Civil Supply Corporation, Madhepura.

.... Opposite Parties

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Appearance :
For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Md. Anisul Haque, AC to AAG 5
For the BSFC : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 01-08-2018

The present petition has been filed for modification of judgment dated 20.11.2017 passed in CWJC No. 15506 of 2017.

2. Learned counsel for the petitioner invites reference to para 4 of the said judgment by which a direction was given to the respondent-Corporation to take final decision with reference to the claim of the petitioner's bill for Rs. 9,36,811/- within a period of four weeks. In that backdrop the petitioner was directed to deposit the final amount outstanding in six monthly instalments commencing from 31.11.2017.

3. It is submitted that the respondent-Corporation is yet to take a final decision and make payment of the amount due to the petitioner, in view of which the petitioner in turn is being prevented from making

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payment in the requisite instalments. The petitioner has nevertheless been making some payments from time to time as enumerated in para 8 of the present petition.

4. Learned counsel for the opposite parties appears and has been heard. The stand of the petitioner has not been controverted in the counter affidavit, except in para 9 thereof to the effect that certain papers were not furnished by the petitioner leading to delay in processing of the claim.

5. Learned counsel for the petitioner in the rejoinder has stated that the requisite papers have subsequently been furnished.

6. Having regard to the above, this Court is of the view that the ends of justice will be met if the stipulated dates for payment of the outstanding amount by the petitioner are extended. It is directed that after taking into consideration the payment made by the petitioner till date, the remaining outstanding amount shall be paid in six equal monthly instalments commencing from the first day of the month following the month in which the respondent-Corporation makes payment of the amount found due to the petitioner after taking a final decision in the matter.

7. The modification petition stands disposed of. The judgment dated 20.11.2017 is modified to the extent indicated above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2018
Transmission Date	NA

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