

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.890 of 2017

M/s Azad Agro Agency, Ramchandrapur, Bihar Sharif, Nalanda through its
Properitor Mr. Sunil Kumar Azad, S/o-Sri Ramji Prasad, R/o Vill-Meyar, P.S.-
Nursarai, Dist.-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Agriculture Production Commissioner, Agriculture Department,
Government of Bihar, Patna
3. The Principal Secretary, Agriculture Deptt., Govt. of Bihar, Patna
4. The Secretary, Agriculture Deptt., Govt. of Bihar, Patna
5. The Director Agriculture, Ageiculture Deptt., Govt. of Bihar, Patna
6. The Joint Director (Agronomy) Inputs, Agriculture Department, Govt. of
Bihar, Patna
7. The District Agriculture Officer, Nalanda
8. The Block Agriculture Officer, Block-Giriyak, District-Nalanda.
9. The Block Agriculture Officer, Block-Rajgeer, District-Nalanda.
10. The Block Agriculture Officer, Block, Hilsa, District-Nalanda
11. The Block Agriculture Officer, Block, Islampur,, District-Nalanda
12. The Block Agriculture Officer, Block, Katrisarai, District-Nalanda
13. The Block Agriculture Officer, Block, Tharthri, District-Nalanda
14. The Block Agriculture Officer, Block, Parbalpur, District-Nalanda
15. The Block Agriculture Officer, Block, Kariper Surai,, District-Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Raghwanand- GA11
		Mr. Prabhat Kumar, AC to GA-11

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 31-08-2018

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

Petitioner seeks a direction for payment of dues of Rs.
51,75,440/- with interest against Dhaicha seeds supplied to the
farmers of different blocks of Nalanda district on the
recommendation of the District Agriculture Officer Respondent
No. 7, Nalanda. The petitioner in pursuance to Green Urea



Promotion Scheme in the year 2012-13 made distribution of Dhaicha seeds in pursuance to the letter no. 491 dated 31.01.2012 by the Agriculture Production Commissioner, Bihar, Patna, who had issued directions to all District Agriculture Officer of the state including Nalanda District which was on 100% subsidy. Having supplied the Dhaicha seeds, when payments were not made the petitioner represented before the authorities. Vide letter dated 14.10.2014 as contained in Annexure-7, the District Agriculture Officer after verifying that 1293.86 quintals Dhaicha seeds have been distributed to the farmers at the rate of Rs. 40/- per kg and also taking into account the subsidy, found Rs. 51,75,440/- payable to the petitioner and letter in this regard was written to the Director Agriculture, Bihar Patna. The petitioner again represented before the authorities and on the legal notice sent by the petitioner's counsel, District Agriculture Officer vide memo No. 1955 dated 11.11.2016, Annexure-14 stated that a letter has been sent to the Joint Director (Shashya) vide letter no. 184 dated 28.01.2016 and as soon as the allotment will be received, the payments will be made. Having failed to receive any payment, the petitioner has preferred the present writ application.

Learned counsel for the State has filed counter affidavit stating therein that the claim of the petitioner is of the year 2012-



13 and petitioner has approached this Court after four years, hence, the writ application is fit to be dismissed on the ground of delay and laches. So far as the details of the payment to the petitioner is concerned, the matter was processed and it was found that the petitioner had purchased seeds for Rs. 10,6,792/- from outside the State as is evident by letter no. 240 dated 27.02.2017 of the Deputy Commissioner, Commercial Taxes, Bihar Sharif Circle (Annexure-F to the Counter Affidavit). However, no reason has been assigned for keeping the claim pending or refusing to accept the claim of payment to the petitioner.

The District Agriculture Officer on 14.10.20214 after proper verification of disbursement of the Dhaicha seeds to the farmers had recommended for payment of Rs. 51,75,440/- to the petitioner. Thereafter, on 11.11.2016 in reply to the legal notice the District Agriculture Officer, Nalanda has stated that as soon as funds are available, payment will be made. Respondents have now come up with a letter issued by the Commercial Taxes Department showing that seeds of only 10 lakhs and odd has been purchased from outside Bihar. Such pretext for refusing payment of admitted dues at the Commercial Taxes Department showing purchase of only 10 lakhs and odd is no basis for refusing payment. The Dhaicha seeds purchased by the petitioner and distributed to the



farmers have been verified by the District Agriculture Officer, Nalanda in 2014 itself. In 2016, the District Agricultural Officer had only stated that because of non-allotment of fund payment could not be made. Now a new plea of the purchase by the petitioner from outside Bihar as written by the Commercial Taxes Department is taken that could be no ground for non-release of payment of admitted dues of the petitioner. The respondents are directed to make payment of admitted payments as verified by the District Agriculture Officer vide letter dated 14.10.2014 expeditiously within a period of three months from the date of receipt of a copy of this order.

The writ application is allowed.

(Nilu Agrawal, J)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

