

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16963 of 2015

=====

Besadh Primary Agricultural Credit Cooperative Society through its Chairman
Sikandra Kumar s/o late Hari Yadav resident of Chandisthan, Grampanchayat,
Besadh, PS Kumarkhand, District Madhepura.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Civil Supplies, Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Sub-Divisional Officer, Madhepura.
4. The Procurement Incharge Officer, Madhepura.
5. The Senior Incharge Officer (Procurement), Kumarkhand Block District Madhepura.
6. The Block Enforcement Officer, (Procurement), Kumarkhand Block District Madhepura.
7. Bihar State Food & Civil Supplies Corporation Limited, Patna through its Managing Director.
8. The Managing Director, Bihar State Food & Civil Supplies Corporation Limited, Patna.
9. District Manager, Bihar State Food & Civil Supplies Corporation Limited, Madhepura.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Sanat Kumar Mishra, Advocate
For the Respondents : Mr. AC to AAG14
For the BSFC : Mr. Nirmal Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-02-2018

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

2. The present writ petition has been taken up out of turn
on the request of learned counsel for the petitioner for disposal of the
same with a direction to the respondents to pay the admitted dues of
the petitioner.



3. The writ petition has been filed for issuance of a writ of mandamus for making payment of the due amount of price of paddy and wheat procured by the authorities in year 2012 and 18% interest thereon for delayed payment.

4. Learned counsel for the petitioner submits that the respondent-Corporation had made procurement of 1530 quintal paddy for the procurement season 2011-12 and 355 quintal wheat in the year 2012. It is further stated that 370 quintal paddy was not lifted by the authorities for no apparent reason nor 3060 gunny bags were returned to the petitioner. It is therefore submitted that the petitioner is entitled to payment in respect thereof and for which representation has been filed before the authority.

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

6. Having regard to the nature of the grievances of the petitioner and with consent of the parties, this writ petition is disposed of, granting liberty to the petitioner to approach the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Madhepura (Respondent No. 9) with a fresh representation for redressal of its 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.

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

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2018
Transmission Date	N.A.

