

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6065 of 2016

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M/s New Jaiswal Rice Mill Purnea Through its Proprietor Dinesh Prasad Son of Late Biran Prasad, Resident of Mohalla- Chandan Nagar Gulab Bagh, P.S- Sadar, District- Purnea, Mill at- Damka Chowk Gulab Bagh, P.O- Mohan Kunda, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Araria.
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D. Bihar, at Patna.
3. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna, District- Araria.
5. The Assistant Assessing Officer, Bihar State Food and Civil Supplies Corporation Limited, Araria, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Miss Namrata Singh, Advocate Mr. Sumeet Kumar Singh, Advocate Mr. Abhiprav Singh, Advocate
For the BSFC	:	Mr. Nirmal Kumar, Advocate
For the State	:	Mr. Parijat Saurav, AC to AAG-10

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 27-08-2018

Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation Ltd. (hereinafter referred as BSFC) and learned counsel appearing on behalf of the State.



2. Petitioner seeks payment of Rs. 11,30,409.63/- along with 12 % interest from the date it was due against the work done i.e. milling, handling, Transportation etc. for the year 2013-14.

3. Learned Counsel for the petitioner submits that on 14.02.2015 a no objection certificate has been issued by the District Manager, Araria vide Memo No. 111 that work has been completed for procurement year 2013-14. Thereafter, the petitioner approached the respondent authorities several times and bill was prepared for Rs. 5,26,456/- after deducting T.D.S. on 30.06.2015 by the District Manager, BSFC, Respondent No. 4. Another bill was prepared by the District Manager, BSFC, Respondent No. 4 on 13.07.2015 showing admitted dues of Rs. 4,72,112/- after deducting TDS. The petitioner also served a legal notice dated 21.03.2016 to the respondents but still payment has not been made.

4. Learned counsel for the BSFC submits that the bills have been submitted without any supporting vouchers and the delay is at the petitioner's end.

5. However, considering the submissions of the parties, this writ application is disposed off with the liberty to the petitioner to file a representation before the Managing Director,



BSFC, Respondent No. 2 within a period of two weeks, which would be looked into and speaking order be passed by the Respondent No. 2 in accordance with law within a period of four weeks thereafter as the matter is an old one relating to dues as claimed by the petitioner for procurement year 2013-14.

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	NA

