

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22872 of 2013

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Nandlal Prasad S/O Late Shiv Bala Singh, Resident of Village - Panari, P.S. - Belaganj, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Gaya, District - Gaya
2. The District Supply Officer, Gaya, District - Gaya
3. The District Manager, Bihar State Food Corporation, Gaya, District - Gaya
4. The Sub Divisional Officer, Sadar Gaya, District - Gaya
5. The Assistant Godown Manager, Belaganj, District - Gaya
6. The Block Supply Officer, Belaganj, District - Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Sinha, Advocate.
For the BSFC : Mr. Shailendra Kumar Singh, Advocate.
For the State : Mr. Rakesh Ranja, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

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

2. The present writ petition has been filed for a direction to the respondent authorities to refund the amount of the petitioner of Rs. 73,569/- to the petitioner.

3. Learned counsel for the petitioner submits that an amount of Rs. 73,571/- (Rs. 34,453.00 + Rs. 34,453.00 + 4,665.00 on various dates) was deposited towards cost of food grains in the office of Assistant Godown Manager, Belaganj, District- Gaya but however in view of suspension of the petitioner's PDS licence, the food grains



could not be lifted from the godown. Subsequently the suspension order was quashed but the respondents neither supplied the food grains nor refunded the amount to the petitioner and for which a representation dated 11.05.2010 was filed before the District Manager, Bihar State Food Corporation, Gaya (respondent no. 3).

4. A counter affidavit has been filed on behalf of the respondent District Manager, BSFC, Gaya (respondent no. 3) to the effect that the Block Supply Officer, Belaganj had informed the respondent no. 3 that the petitioner had deposited a sum of Rs. 34,453/- for the month of June, 2008 and accordingly a decision was taken to recommend for refund the said amount. The three member committee also took a decision for verification of the remaining claim of the petitioner.

5. Having regard to the nature of the grievance of the petitioner and the stand in the counter affidavit, this Court is of the view that the interests of justice will be met if the respondent District Manager, BSFC, Gaya (respondent no. 3) is directed to ensure refund of the admitted amount of Rs. 34,453/- within a period of three weeks from the date of receipt/production of a copy of this judgment.

6. As regards the remaining claim of the petitioner, he shall be at liberty to approach the District Manager, BSFC, Gaya (respondent no. 3) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two



weeks from today, the same shall be considered and disposed of after grant of opportunity of hearing to the petitioner in accordance with law within a further period of three weeks thereafter. Any further amount found payable shall also be paid to the petitioner within a period of three weeks after disposal of the representation. Any delay in payment of the admitted amount as well as any further amount found so payable beyond the stipulated period respectively as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the amount 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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