

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9796 of 2018

=====

M/s S. R. Kamal Rice Mill Through Its Proprietor Vikash Kumar Son of Suresh Prasad Sah, Resident of Village- Bibipur, P.S. Garkha, District- Saran, at Chapra.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Bihar State Food and Civil Supply Corporation Limited through its Managing Director, Bihar, Patna
4. The Managing Director, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna.
5. The General Manager, Claim, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna.
6. The General Manager, Finance, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna.
7. The District Manager, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Tej Pratap Singh, Advocate
For the State : None
For the BSFC : None

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the petitioner. None appears for any of the respondents.

2. This matter has been taken up out of turn on the request of learned counsel for the petitioner for payment of its outstanding dues and the petitioner sought for the following reliefs.

“(i) To issue writ in the nature of mandamus commanding the Respondents authority to make payment of admitted total dues of Rs. 68,17,619/- with



simple as well as penal interest from the due date to the petitioner which has been occurred for milling charge & transportation for the three Sessions 2012-13, 2013-14 and 2014-15 (22,94,748/-+34,24,511/-) and Rs. 10,98,360.00 for not utilizing of cotton bags , which is unpaid in spite of several representations to the concerned authorities.

(ii) To pass appropriate order, direction for which the petitioner is entitled for under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that pursuant to the agreement with the Corporation for milling and transportation of rice, the petitioner, after execution of the work, submitted the final bill for Rs. 68,17,619/- but the said amount remains outstanding to be paid against the bills of the petitioner.

4. 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 Managing Director, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna. (Respondent No. 4) 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.

5. 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	01.07.2018
Transmission Date	N.A.

