

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.859 of 2018

In
Civil Writ Jurisdiction Case No.15468 of 2014

M/s Om Sai Ram Rice Mill Industrial Area, Bettiah through its Proprietor
Umesh Kumar Sah, son of Sri Ram Sah, resident of Industrial Area,
P.s.Musassil, District West Champaran.

... .. Appellant.

Versus

1. The State of Bihar through Chief Secretary, Department of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department,
Government of Bihar, Patna.
3. The Managing Director, Bihar State Food & Civil Supply Corporation, Son
Bhawan, Patna, Bihar.
4. The Deputy Chief (Claim), Bihar State Food & Civil Supply Corporation,
Son Bhawan, Patna, Bihar.
5. The District Magistrate, West Champaran at Bettiah.
6. The District Manager, B.S.F.C. West Champaran at Bettiah.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. S. Raza Ahmad- AAG-5
For the BSFC	:	Mr.Sailendra Kumar Singh, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-07-2018

This appeal has been filed challenging an order
passed on 26.09.2014 in C.W.J.C. No.15468 of 2014.

Even though, the order was passed more than three
years back on 26.09.2014, it is pointed out that the judgment
based on which the writ petition was decided, i.e. M/S Shiv
Industries Vs. State of Bihar & Others (CWJC No. 7736 of
2014) has undergone changes in view of the orders passed in



Letter Patent Appeal No.1709 of 2014 (Arvind Kumar Vs. State of Bihar & Ors.) reported in 2015 (4) PLJR 422, decided on 22.07.2014, and subsequently modified on 23rd, August, 2016 in Civil Review No. 150 of 2015 (Rohit Rice Mill Vs. State of Bihar & Others).

It is pointed out that taking note of all these factors, various appeals have been allowed by the Coordinate Benches of this Court in terms of the orders passed in the case of Arvind Kumar (supra) and Rohit Rice Mill (supra).

Even though, there is a delay in filing of the appeal, we are informed that the amount has not been recovered from the appellant and the matter is still pending in arbitration.

Keeping in view the aforesaid, we condone the delay in filing of the appeal, allow the appeal and dispose it of in terms of the orders passed in the case of Arvind Kumar (supra) and in the case of Rohit Rice Mill (supra). The case for recovery and the action against the appellant be also taken accordance to the aforesaid two orders.

We may clarify that if the recovery has not been made and the certificate proceedings have not been concluded, the respondents are free to seek modification of the order.



With the aforesaid, the appeal stands allowed and
disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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