

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.624 of 2017

IN

Civil Writ Jurisdiction Case No. 341 of 2012

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Md. Sanaullah Ahsan, son of Md. Abbas, resident of At Al Ahsan opposite Katra School Mewa Sah Lane, P.S. Sultanganj, Sultanganj, District-Patna-6.

.... Petitioner/s

Versus

1. The State of Bihar Food And Civil Supplies Corporation, Sone Bhawan, Birchand Patel Marg, Patna, through its Managing Director, BSFC, Shri Pankaj Kumar, I.A.S.
2. Shri Pankaj Kumar, I.A.S. the managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Marg, Patna.
3. Shri Sugandh Chaturvedi (Incharge), the Chief of Administration Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Marg, Patna.
4. Shri Kundan Kumar (Senior Deputy Collector), the Chief of claim, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Matel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary, Adv.

For the Respondent/s : Mr. Anjani Kumar, Sr. Adv.

Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-08-2018

This contempt application arises on account of failure of the authorities of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the 'Corporation'), particularly the Managing Director in not ensuring the compliance of the judgment and order of this Court passed in CWJC No.341 of 2012, whereby a direction was issued for refund of Rs.71,922.39 to the petitioner which was allegedly recovered in excess and which refund was to be made within a period of three months from the date of receipt/production of a copy of the order, failing which it would carry interest at the rate of 6% per annum. The order was passed on 22.08.2016 and since it was not complied that this



contempt application was filed on 28.02.2017 and was taken up 15 months later on 16.05.2018.

Despite lapse of almost 2 years the order was not complied rather a show cause was filed informing that a Letters Patent Appeal had been filed by the contemnors. This Court vide order passed on 11.07.2018 while rejecting the plea so taken, granted indulgence to the 'Corporation' to produce an order of stay. The matter was adjourned, to be taken up on 01.08.2018 i.e. after three weeks. A second show cause was filed by the District Manager of the 'Corporation' yet referring to the pending appeal, showing ignorance to the direction of this Court passed on 11.07.2018 requiring the 'Corporation' to comply or produce the order of stay in the pending appeal.

It is in these circumstances and since none appeared on their behalf that this Court issued contempt notice to the opposite party no.2 i.e. the Managing Director of the 'Corporation', the opposite party no.3 i.e. the Chief of Administration of the 'Corporation' and the opposite party no.4 i.e. the Chief of Claims of the 'Corporation'.

Since the returned date of the notice was fixed on 29.08.2018 i.e. today that these officers i.e. Mr. Pankaj Kumar, the Managing Director, Mr. Uday Pratap Singh, the General Manager (Administration) and Mr. Ram Kumar, Deputy General Manager (Claims) are in attendance.

Mr. Anjani Kumar, learned senior counsel appearing on their behalf along with Mr. Shailendra Kumar Singh files show cause on behalf of each of them and in reference to the show cause filed on behalf of the



Managing Director, informs that the order has been complied and the recovered amount together with 6% interest has been paid to the petitioner in his account. He refers to the enclosures to the show cause at Annexure ‘A’ which is an order dated 27.08.2018 of the Deputy General Manager allowing the refund which order is subject to the outcome of the pending appeal. Annexure ‘B’ confirms the payment of the amount in the account of the petitioner.

Let the show cause be taken on record. The explanation is accepted. Since the order of this Court has been complied which is made subject to the outcome of Letters Patent Appeal, the attendance of all the three officers is dispensed with.

Learned counsel for the petitioner disputes the calculation of interest. Let any claim in this regard be raised by the petitioner before the authority concerned, which shall be considered and disposed of in accordance with law, by a speaking order, to be passed preferably within six weeks of filing of such application.

The contempt application is disposed of.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-09-2018
Transmission Date	NA

