

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.10379 of 2015

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M/s Om Sri Gram Udyog Food Process Cooperative Society Ltd. through its Chairman cum Chief Executive Officer, Sri Badir Kumar Mital, S/o Sri Baban Kumar Mittal, R/o C- 2A, Pushpa Vihar Colony, Exhibition Road, Patna, P.S.- Gandhi Maidan Distt. Patna

.... .... Petitioner

Versus

1. The Bihar State Co-operative Marketing Union Ltd. (BISCOMAUN), through its Managing Director, BISCOMAUN Bhawan, P.S.- Gandhi Maidan, District Patna
2. Managing Director, the Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, P.S. - Gandhi Maidan, District Patna
3. The Incharge Officer (Godown), The Bihar State Co-operative Marketing Union Ltd., BISCOMAUN Bhawan, P.S. - Gandhi Maidan, District Patna

.... .... Respondents

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#### Appearance :

For the Petitioner : None

For the BISCOMAUN : Mr. Rakesh Kumar Jha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 04-09-2018**

The present writ petition has been filed for the following reliefs –

*“(i) To set aside the notice dt. Nil issued under signature of Incharge Officer, (Godown), The Bihar Co-Operative Marketing Union Ltd. (BISCOMAUN) by which petitioner has been directed to deposit a sum of Rs. 61,27,464.81 (Sixty one lakhs twenty Seven Thousands Four hundred sixty four and Paise eighty one) only and further to make the settlement with other interest parties dt. 6/1/15.*

*(ii) Further to set aside notice dt. 5/2/15 issued under the signature of Incharge Officer (Godown), The Bihar Co-Operative Marketing Union Ltd. (BISCOMAUN) by which petitioner has been directed to pay the dues amount*



*through Demand Draft and further to vacate the Godowns within one week.*

*(iii) Further direction to adjust the amount incurred towards repair of Godowns as per agreement clause.*

*(iv) Further to direct the respondents to open lock which has been put over the godowns by respondent authorities during pendency of the Arbitration case pending before the learned Joint Registrar, Co Operative Societies, Bihar, Patna vide Arbitration case no.     /2015.*

*(v) To any other relief (s) for which petitioners are entitled for in the facts and circumstances of the case”.*

2. None appears on behalf of the petitioner despite repeated calls.

3. At the very outset, learned counsel for the respondent-Bihar State Co-operative Marketing Union Limited appears and raises a preliminary objection against maintainability of the writ petition on the ground that the Union is not amenable to the writ jurisdiction of this Court, being not State, in view of the decision of the Special Bench of this Court in the case of *The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors.* reported in 2014 (1) PLJR 695.

4. Having regard to the above, this Court is of the view that no writ can be issued by this Court for redressal of the grievance of the petitioner of the present nature.

5. The writ petition accordingly stands dismissed. Needless



to say, the petitioner may avail any remedy as may be available to it in  
accordance with law.

**(Vikash Jain, J)**

B.T/Chandran

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