

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1118 of 2018

IN

Civil Writ Jurisdiction Case No. 5479 of 2018

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The Bihar State Food & Civil Supplies Corporation Ltd. Through The Managing
Director B. S. F. C, R.Block Khadya Bhawan, P.S. Secretariat, District- Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary of Finance, Govt. of India, New Delhi.
2. The Joint Secretary, Food and General Distribution Ministry, New Delhi.
3. The Income Tax Commissioner (T.D.S), T.D.S Circle Income Tax Department, Patna.
4. The Assistant Commissioner of Income Tax T.D.S. Circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mrs. Archana Sinha @ Archana Shahi

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2018

Seeking modification of the order passed by this Court on
23.03.2018 in CWJC No. 5392 of 2018 this application has been filed
by the Bihar State Food & Civil Supplies Corporation Ltd.
(hereinafter referred to as 'the Corporation').

The writ petition was filed by the Corporation and it was
their grievance that all their bank accounts, in the 38 district offices,
have been attached and their working has been hindered. When the
matter was taken up for hearing on 26.03.2018, we were informed by
learned counsel representing the Department that on 22.03.2018 a



communication has been issued for releasing the bank accounts with immediate effect. Taking note of the aforesaid, we disposed of the writ petition.

Now, we are informed that the communication brought on record on 22.03.2018 was only with regard to release of certain accounts in certain districts, like Patna, Rohtas, Muzaffarpur etc., but not all accounts in 38 districts which have been attached and they are not being revoked. Prayer made is that the direction be modified to release the bank account of the Corporation in all the 38 districts. Further prayer is that to grant 30 days time to file an appeal against the demand notice.

Even though learned counsel for the Revenue Mrs. Archana Sinha argues that attachment of only 7 accounts have been revoked and there is no direction or prayer made for revoking the attachment of accounts of 38 revenue districts, we are of the considered view that the prayer made was for revoking the bank accounts in all the 38 revenue districts and our intention was also to revoke the bank accounts in all the districts. The applicant-assessee is a statutory Corporation of the State and if the bank accounts are attached, it would create day to day hindrance in payment of money for the supply made by the farmers and other needy persons. It would create great hardship to the poor citizens and farmers of the State and,



therefore, we allow this application and direct that attachment of bank account in all the 38 districts in the State of Bihar be revoked and the applicant-Corporation is permitted to operate the bank accounts in all the 38 revenue districts subject to the conditions already stipulated by us in the order passed on 26.3.2018 in CWJC No. 5479 of 2018. That apart, we grant the Corporation 30 days time from today to file an appeal before the competent statutory authority.

With the aforesaid clarification and modification of the order passed in CWJC No. 5479 2018 this application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

mr1/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.04.2018
Transmission Date	

