

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.40772 OF 2018

Dated:15.11.2018

Between:

M/s.Sri Vijaya Durga Rice Mill,
Rep.by its Proprietor / Managing Director,
Smt.K.Prameela, W/o.K.Satyanarayana,
Aged 53 years; Occupation: Proprietrix,
R/o. Brahmanagudem

.. Petitioner

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary,
Civil Supplies, Amaravathi and others

.. Respondents



The Court made the following:

HON' BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

For the Khariff season of 2017-18, petitioner was granted 301.480 MTs of paddy and after milling, he has to deliver to the respondent's Corporation 201.992 MTs of CMR rice within 15 to 60 days from the date of supply of paddy. It appears that the petitioner delivered only 54.000 MTs of CMR rice and there is short fall of 147.992 MTs. The time granted by the respondent's Corporation expired by March 2018. As the petitioner did not deliver the quantity of rice as per the terms of the Agreement, several notices were issued and finally on 01.11.2018 urgent notice was issued, directing the petitioner to handover 147.992 MTs of rice on or before 12.11.2018, and warning him that failing to supply rice by that date serious action would be taken. Challenging the said notice, this Writ Petition is filed.

2. Heard both sides.

3. The petitioner contends that though 135 quintals of rice was supplied on 12.01.2018 to the respondent's Corporation, the same was returned, on the ground that the said rice is inferior in quality and not in conformity with the specifications. Later, because of various reasons, he could not supply and if sometime is granted he would supply the rice.

4. However, when the matter is taken up, on instructions, learned Government Pleader submitted that as the petitioner failed to supply the quantity of rice agreed, as per the terms of the agreement, the Bank guarantee was invoked and the amount of Bank guarantee was remitted by the Bank.

5. Sufficient opportunity was given to the petitioner and the time granted in the notice dated 01.11.2018 was already over. Since, Bank guarantee was already invoked, no direction as sought for can be granted at this stage in this Writ Petition.

6. However, it is left open to the petitioner to make a representation for extension of time, and on making such representation, the competent authority would consider the same.

6. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition, stand closed.

Date: 15.11.2018

JR

P.NAVEEN RAO, J



HON' BLE SRI JUSTICE P.NAVEEN RAO



Date: 15.11.2018

JR