

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42501 OF 2018

DATED :05.12.2018

Between :

M/s.Sri Srinivasa Rajeswari Agrotek Mills Private Limited,
Antipeta Village, Sitanagaram Mandal,
Vizianagaram District, rep., by its Managing Director,
Dr.Kotagiri Venkata Apparao, S/o.Vengala Rao,
Aged about 56 yrs, Occu : Business,
R/o.Bobbili, Vizianagaram District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by the Principal Secretary,
Civil Supplies, A.P.Secretariat,
Velagapudi, Amaravathi,
Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Civil Supplies for the respondents 1, 4 and 5 and learned Standing counsel for respondents 2 and 3.

2. Petitioner claims to be running a Rice Mill. Petitioner was supplied with paddy under Public Distribution System. He is required to mill the paddy and hand over Rice as per the agreed terms, within 15 days from the date of supply of Paddy. Though the time granted to the petitioner expired long ago, it was extended and final opportunity was given to supply the Milled Rice by 18.11.2018. Even within the extended time also petitioner failed to supply the Rice. On 29.10.2018 petitioner submitted a representation to the District Manager, APSCSC Limited, Vizianagaram, stating that there was some mechanical problem in the boiler tank and therefore, he could not supply Rice within the time and in the meantime, the quantity of paddy got deteriorated and discolored.

3. This writ petition is filed initially praying to declare the action of the 5th respondent to en-cash the bank guarantee as illegal and consequently to direct the 5th respondent to grant one and half month time to deliver the balance custom milled rice. Petitioner sought for amendment of prayer in I.A.No.03 of 2018 praying to grant the alternative relief to receive the economic price of the custom milled rice.

4. According to learned Standing counsel as the petitioner did not avail even the extended time to supply Rice, he is liable and Respondent-Corporation is entitled to revoke the bank guarantee. He would alternatively submit that if the petitioner wants to pay the price of the rice required to be supplied by him, he must pay one and half time the market price. However, learned counsel for the petitioner would submit that petitioner can pay only one time the market price.

5. At this stage, learned counsel for the petitioner submits that for the present, petitioner would be satisfied, if a direction is issued to consider the representation made by him to the District Manager on 29.10.2018.

6. Having regard to the above submissions, without expressing any opinion on merits, the Writ Petition is disposed of directing the District Manager, Vizianagaram, to consider the representation dated 29.10.2018 and pass orders within three (3) weeks from today. Till a decision is made on the representation, the respondents shall not revoke the bank guarantee. It is also open to the petitioner to appear before the District Manager, within one week from today and make additional submissions that may be available to him. If such additional submissions are made, the same shall also be considered, while passing the orders. Pending miscellaneous petitions shall stand closed.

5th December, 2018
Rds

P.NAVEEN RAO,J