

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13737 of 2019

=====

Dilip Kumar Sah, S/o Sri Munni Lal Sah, resident of Ward No. 6, Netaji Subhash Chowk, Motipur, P.S. Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. Khadh Bhawan, Daroga Rai Path, R Block, Road No.2, Patna-1, through its Managing Director.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Khaadh Bhawan, Daroga Rai Path, R Block, Road No. 2, Patna-1.
3. The Chief Manager (Finance) Bihar State Food and Civil Supplies Corporation Ltd., Khaadh Bhawan, Daroga Rai Path, R Block, Road No.2, Patna-1.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Adv.
For the Respondent/s : Mr.Shailendra Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-11-2019 Heard learned counsel for the petitioner and learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd.

Petitioner in the present case is seeking a direction to the respondent Corporation to make payment of the bills of the petitioner amounting to Rs.88,77,632/- for the period December, 2015 to March, 2016 and from July, 2016 to August, 2016 for the work done by the petitioner as transportation and handling agent (Door Step Delivery). Petitioner also prays for penal interest for the delayed payment.



It is the case of the petitioner that he was engaged as transportation and handling-cum-delivery agent of TDPS grains from SFC Godown to fair price dealer shops for the Corporation under an agreement for the given period and he has discharged his contractual obligations to the satisfaction of all concerned. It is submitted that the bills of the petitioner were processed and in fact some part payments were also made but after giving a substantial amount, the respondent Corporation did not take further steps for payment of the remaining outstanding amount of the petitioner and for this reason total outstanding accumulated to the extent of Rs. 88,77,632/-. Learned counsel submits that since the petitioner has discharged his contractual obligation but has not been paid the amount due to him under the agreement, he has filed the present writ application.

A counter affidavit has been filed on behalf of the Corporation in which the claim of the petitioner has been disputed saying that the petitioner's claim is against the forged Store Issue Order (S.I.O.), therefore, claim is not acceptable to the respondent Corporation. In course of argument, learned counsel for the Corporation has drawn the attention of this Court towards the enquiry report enclosed with the counter affidavit in which a Three Member Committee constituted by the



Corporation has enquired into the alleged irregularities and illegalities committed in the matter of issuance of S.I.O. based on which the bills have been raised against the Corporation. The enquiry officer has recommended for lodgment of the FIR against the manager of the 4G Data Operator as also present petitioner who is a door step delivery agent as also other officers/employees who were allegedly involved in the forgery of S.I.O. Learned counsel has drawn the attention of this Court towards Annexure-C to the counter affidavit saying that one FIR has already been registered giving rise to Sonbarsha P.S. Case No.215/16 for the offence alleged under Sections 420, 409, 467, 468 and 471/34 of the Indian Penal Code. It is submitted that this petitioner is one of the accused in the said case. Learned counsel submits that in the given facts and circumstance where the claim of the petitioner has been seriously disputed by the Corporation and the matter is still under investigation, a writ of mandamus need not be issued.

Having heard learned counsel for the petitioner and learned counsel for the Corporation as also on a careful perusal of the records, this Court finds that sitting in its writ jurisdiction under Article 226 of the Constitution of India, it would not be appropriate for this Court to delve into the allegations and



record a finding in the matter so as to enable the petitioner to get his claim. The fact remains that the respondent Corporation has seriously disputed the claim and has come out with a case that the petitioner had raised the bills based on forged S.I.O. In course of argument, learned counsel for the Corporation has explained that in fact on the basis of the original S.I.O. one bill was raised but thereafter by taking help of the forged S.I.O. even without actually carrying the transportation work, repeated bill has been raised on the basis of the forged S.I.O. for more than Rs.3 crores.

Although, Mr. Katriar has at this stage submitted that a certificate proceeding has been initiated by the Corporation against the I.T. manager for the entire amount and therefore petitioner would be entitled for payment of his bills, this Court is unable to accept the submissions of Mr. Katriar for the obvious reason that where a serious dispute has been raised by the Corporation with regard to the very basis on which the bills were raised by the petitioner, it would not be appropriate for this Court to conduct an enquiry into the matter and acts as a fact finding Court.

This writ application has thus no merit. It is dismissed accordingly. However, liberty is available to the petitioner to



seek his remedy in accordance with law.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

