

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1437 of 2019

In
Civil Writ Jurisdiction Case No.14341 of 2017

-
-
1. The District Manager Bihar State Food and Civil Supplies Corporation Ltd.,
Dist.- Kishanganj
 2. The Chief Finance Bihar State Food and Civil Supplies Corporation, Head
Office, Patna
 3. The District Manager Bihar State Food and Civil Supplies Corporation,
Katihar
 4. Managing Director Bihar State Food and Civil Supplies Corporation, Head
Office, Patna

... .. Appellant/s

Versus

Adarsh Agrawal S/o Shri Dilip Kumar Agrawal Resident of Shalmari, P.s.-
Azamnagar, Distt.- Katihar, Proprietor of M/s Sanwariya Agro Tech. Salmari,
Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nirmal Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 21-08-2021

This Letters Patent Appeal is directed against the
judgment dated 26.02.2018, passed in C.W.J.C. No. 14341 of



2017, titled as Adarsh Agarwala Vs. The State of Bihar & Ors. whereby a learned Single Bench of this Court had disposed of the petition granting liberty to Respondent herein to approach the Corporation with a fresh representation for redressal of his grievance.

We find the impugned order to be innocuous in nature, not adjudicating the rights of the parties. Also there being no illegality or perversity. In fact, the order is passed on the basis of consent granted by the parties.

For facilitating, the order is reproduced in toto as under:

“Heard learned counsel for the petitioner and learned Counsel for the respondents.

2. As prayed, learned counsel for the petitioner is permitted to add the Managing Director, Bihar State Food & Civil Supplies Corporation, Patna as respondent no.5 in course of the day.

3. The present writ petition has been taken up out of turn on the request of learned counsel for the petitioner for disposal of the same with a direction to the respondents to pay the admitted dues of the petitioner.

4. Learned counsel for the petitioner submits that the District Manager, Katihar as well as the District Manager, Kishanganj have already forwarded the bills of the petitioner to the B.S.F.C., Patna and as such the dues in question are admitted, but



the same have yet to be paid.

5. Learned counsel for the respondents appears and has been heard.

6. Having regard to the nature of the grievances of the petitioner and with the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Managing Director, Bihar State Food & Civil Supplies Corporation, Patna (Respondent no.5) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

7. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner."

If the amount is due, first the petitioner is to only represent. Thereafter the authorities are to adjudicate the claim and pay the amount along with interest on the admitted dues.



The writ Court has not adjudicated any of the claims of the petitioner.

As such, the present appeal stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.09.2021
Transmission Date	

