

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21250 of 2021

Radha Krishna Prasad Son of Satyadev Prasad Resident of Ward No. 11,
Kesariya Purani Bazar, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Bihar State Food and Civil Supplies Department, Bihar, Patna.
2. The Managing Director Bihar State Food and Civil Supplies Corporation, Daroga Rai Path, R-Block, Road, No.-2, Patna.
3. The Deputy Managing Director (Transport) Bihar State Food and Civil Supplies Corporation, Daroga Rai Path, R-Block, Road, No.-2, Patna.
4. The Special Executive Officer Bihar State Food and Civil Supplies Corporation, Daroga Rai Path, R-Block, Road, No.-2, Patna.
5. The District Manager Bihar State Food and Civil Supplies Corporation, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lal Babu Singh, Advocate

For the Respondent/s : Mr.Arvind Ujjwal (SC4)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 25-08-2022 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) For quashing of the part of the order dated 02.01.2015 contained in letter No. 42 (Contained in Annexure- 2) of the respondent Special Executive Officer so far as it relates to forfeiture of security deposit and bank guarantee.

(ii) For quashing of the order dated 06.04.2021 contained in letter No. 02:05:52:01:2011 2652 (Contained in Annexure- 5) whereby and whereunder, the respondent Deputy



Managing Director (Transport) has refused to consider the refund/release of forfeited amount deposited as earnest money and security deposit.

(iii) For a direction to the respondents to refund/release the earnest money, security deposit and bank guarantee, in favour of the petitioner in connection with the agreement between the petitioner and the respondents dated 04.01.2012 whereby the petitioner was appointed as Handling -cum- Supply Agent (Main) under the district of East Champaran, Motihari for the year 2011-12 and 2012-13.

(iv) For appropriate declaration that:-

- a) The action of forfeiture of earnest money, security deposit is highly arbitrary, illegal and not sustainable in law.
- b) Once the respondents have removed the blacklisting of petitioner, they are obliged to refund/release the amount which was forfeited by the same order of the blacklisting of the petitioner on the same charges.
- c) Withholding of earnest money and security amount by the respondents is also otherwise illegal and against the all canons of law.

(v) For any other relief(s) or consequential relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to initiate



appropriate proceedings before an appropriate forum including invoking Clause 17 of the Agreement containing the dispute resolution mechanism.

Permission granted with liberty as prayed for.

The present petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

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