

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5499 of 2023

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Jeebach Mahto S/o- Thithar Mahto Resident of Village- Nagarbasti, P.S.-
Warish Nagar (Mathurapur O.P), District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur.
2. The Collector-Cum-District Magistrate, Samastipur.
3. The Block Supply Officer, Warishnagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 17-05-2023 Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the
following reliefs:-

*"(i) For issuance of direction
upon respondent District Magistrate,
Samastipur to appropriately modify the
order dated 20.01.2023 passed in
confiscation case no. 01/2017 to the extent
that petitioner be held entitled to be paid,
price of 538 Quintal Wheat and 1015.50
quintal rice at the market price on the day
i.e 15.02.2017, it was sold by the Sub-
Divisional Officer, Samastipur instead of
the amount on which it was auction sold
i.e. 23,05,000/.*

*(ii) For further to hold that case
of the petitioner is squarely covered with
the judgment/order passed by Division
Bench of this Hon'ble Court in L.P.A no.
1037 of 2009 and the ratio laid down in
that case is wholly applicable in case of the
present petitioner.*

(iii) For further direction upon



the respondent authorities to pay the difference of money which accrued on account of lesser amount i.e Rs. 23,05,000/ direction to be paid to the petitioner by the respondent District Magistrate instead of Rs. 35,16,225/ which was the value of the commodities seized (wheat and rice) on the date of sale i.e. 085.03.2017 sale made by the Sub- Divisional Officer, Samastipur.

(iv) For further direction upon the respondent authorities to pay interest over the dues amount at the market rate from the due date till date of actual payment.

(v) For any other relief/reliefs for which the petitioner is found entitled in the fact and circumstances of the case."

3. Certain quantity of wheat is stated to have been seized by the authority and during the pendency of confiscation proceedings the authorities have sold the wheat and realized the amount in auction. In the confiscation proceedings, the petitioner has been exonerated/acquitted. Therefore, he is entitled to value of the wheat and rice and it has been settled.

4. Now, question for consideration is whether he is entitled to interest or not? Section 6C of Essential Commodities Act, 1955 is relating to appeal. In terms of Section 6C(2), the petitioner is entitled to interest. Therefore, if an appeal is filed by the petitioner, the appellate authority is hereby directed to examine petitioner's appeal in the light of Section 6C(2) of Essential Commodities Act, 1955 within a reasonable period of



time from the date of receipt of petitioner's appeal. If any limitation issues arise while considering the appeal, the appellate authority is hereby directed to condone the delay in accordance with law before entertaining appeal.

(P. B. Bajanthri, J)

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