

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13302 of 2019

1. Ichhous Panchayat Primary Agriculture Credit Society Ltd. Having registration office, at Ichhous P.O. and P.S.-Ichhous, Block- Islampur, District- Nalanda through its Chairman Satish Prasad, (M), Aged about 41 years, at Islampur P.O. and P.S.- Ichhous, Block- Islampur, District- Nalanda.
2. Satish Prasad S/o Sri Umesh Singh Village and Post- Ichhous, P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies Corporation, Government of Bihar, Patna.
2. The Principal Secretary Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Bihar State Food and Civil supplies Corporation Through its Managing Director, Patna.
4. The Managing Director Bihar State Food and Civil supplies Corporation, Patna.
5. The District Magistrate Bihar Sharif, (Nalanda).
6. The District Supply Officer Bihar Sharif, Nalanda.
7. The District Manager Bihar State Food and Civil Supplies Corporation, District- Nalanda at Bihar Sharif.
8. The Circle Officer Islampur, Nalanda.
9. The Block Agriculture Officer Islampur, Nalanda Cum C.M.R. Incharge.
10. The Nalanda District Central Co- Operative Bank Limited Nalanda at Bihar Sharif through its Managing Director.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar, Advocate
For the Respondent/s	:	Mr. Md. Kamil Akhtar (Aag5)
For B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
For the Bank	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-06-2023 Heard the parties.

The present petition has been preferred for the
following relief:



for a direction upon the respondent authorities to pay the rest amount of Rs. 12, 96,217/- against the CMR which was supplied and deposited to the BSFC under the procurement scheme of 2016/17 of Government of Bihar as also for payment of interest against the admitted amount which has been withheld by the B.S.F.C. without any valid reason.

The basis of the said demand made by the petitioner in the writ petition (Annexure-5) is an order of the District Public Grievances Redressal Officer, Nalanda in which it has been stated that the committee (constituted by the District Magistrate) held that the matter in which no defalcation has been found, the payments can be made.

A counter affidavit has been filed on behalf of the respondent no.7, the District Manager, Bihar State Food & Civil Supplies Corporation Ltd, Nalanda, Bihar Sharif in which in para-5 and 6 read as follows:

"5. That the petitioner has already admitted in paragraph no.8 to writ petition that the petitioner had received amount of Rs. 2,23,61,651/- against submitted Bill amount of Rs. 2,36,57,868/-



6. That as per Report by District Task force, the Respondent authority has paid amount to Pacs Chairman but after physical verification in concerned godown the CMR is not found against demand amount by Pacs Chairman. Thereafter the District Task force has stop payment on the aforesaid reasons to pacs Chairman (vide letter no.210 date 12.2.2019 annexure-7 to writ petition)".

In para-8, the further statement has been made that the same is being examined to consider whether the amount is disputed or not.

A supplementary counter affidavit has also been filed stating that so far as the admitted part is concerned, out of Rs. 2,36,57868/-, Rs. 2,23,61,651/- has already been paid.

Learned counsel for the respondent no.7 submits that so far as the disputed part is concerned, each and every case is being examined and the petitioner is well advised to file his



fresh application/representation before the District Magistrate, Biharsharif, Nalanda and/or the committee constituted by him.

Learned counsel for the petitioner has attributed the Court's attention to paragraph-8 of the supplementary counter affidavit to show that they have given an undertaking to examine the case.

The petitioner, in that background intends to file a comprehensive representation before the District Magistrate, Biharsharif, Nalanda within a period of four weeks from today. If the said representation is filed within four weeks from today, the District Magistrate, Biharsharif, Nalanda is duty bound to take decision within the next four weeks in the backdrop of the fact that in its supplementary affidavit, in para-6, they have stated that the matter is being examined and necessary action will be taken.

The writ petition accordingly stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

