

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6730 of 2016

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Anil Kumar Proprietor S/o Late Ram Das Prasad, Murgi Farm Mohalla -
Bichli Adan, P.S. Sohsarai, District - Nalanda

... .. Petitioner/s

Versus

1. Food Corporation of India
2. The General Manager (Region), Food Corporation of India, Arunachal Bhawan, Patna
3. The Assistant General Manager (Contract), Regional Office, Food Corporation of India, Arunachal Bhawan, Patna.
4. The Area Manager, Food Corporation of India, Purnea
5. The Depot In - Charge, Food Corporation of India, FSD Belouri, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwanand, Advocate
For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 27-06-2023 Heard learned counsel for the respective parties.

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

*"(i) To quash the unilateral
revision of transportation schedule by
reducing it at the rate of RS. 15/- per
MT to Rs. 10/- per MT made by the
respondent authorities in respect of
handling and transport contract Ex-
RH, Purnea to RH- Belouri against
tender no. S&C- 13/1/2012/NIT dated
06.03.2014, which is against the terms
of the contract as contained in price
bid.*



(ii) To direct the respondent authorities to refund Rs. 13,55,390/- which has been adjusted towards cost of 550 bags of rice, by making deduction in the bill raised by the petitioner against the handling and transportation work done at FSD Belouri.

(iii) To direct the respondent authorities to refund the amount towards excessive deduction of Income Tax from the raised bill of the petitioner, which has been made @ 2% in leave of 1% as permissible under the law.

(iv) To grant any other reliefs in favour of petitioners in connection with aforesaid matter for which petitioners are entitled to have."

3. The petitioner was a successful bidder pursuant to NIT for the purpose of handling and transport contract at Ex-RH, Purnia to RH, Belouri against tender No. S&C-13/1/2012/NIT dated 06.03.2014. The petitioner is stated to have quoted rate at Rs. 15/- per MT. The same has been reduced to Rs. 10/- per MT which is disadvantage to the petitioner. Such a reduction of rate is pursuant to a policy decision which was notified subsequent to the date of NIT. If there is any change in the policy relating to rate of contract per MT that is required to be taken note of for future NIT and not to such of those NIT which were issued prior to change in policy. In the present case,



change of policy with reference to rate at Rs. 15/- per MT to that of Rs. 10/- per MT was subsequent to the NIT dated 06.03.2014. Therefore, new policy relating to fixation of rate per metric ton is not applicable to such of those NIT which were notified earlier to the change in policy. Therefore, the petitioner has made out a case. Accordingly, reducing rate at Rs. 15/- per MT to Rs. 10/- per MT insofar as subject matter of contract of the petitioner and respondents is hereby set aside. Further, concerned respondent is hereby directed to calculate difference of amount and release the same within a period of two months from the date of receipt of this order. If there is any dispute insofar as calculation and disbursement of amount in that regard petitioner is at liberty to submit a detailed representation while giving his own calculation with reference to any material information. If such material information is furnished to concerned respondent, the concerned respondent is hereby directed to revisit insofar as calculation and disbursement of difference of amount. The above exercise shall be completed within a period of three months from the date of receipt of this order.

4. With the aforesaid observations, the present petition stands disposed off. Pending interlocutory applications, if any,



stands disposed off in the light of the aforesaid order.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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