

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.793 of 2019
In
Civil Writ Jurisdiction Case No.6 of 2017**

-
-
1. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited Sone Bhawan, 5th Floor, Birchand Patel Path Patna at present R-Block Patna.
 2. The Chief Administrator At present General manager Administrator, Bihar State Food and Civil Supplies Corporation Limited Sone Bhawan, 5th floor, Birchand Patel Path Patna at present R- Block- Patna.
 3. The District manager, Bihar State Food and Civil Supplies Corporation Ltd. Munger.

... .. Appellant/s

Versus

1. Dinesh Kumar Singh Son of Yogendra Prasad Singh, Resident of Village and P.O. Bahani, District- Madhepura.
2. The State of Bihar, Through the Secretary, Food and Consumer Conservation Department, Government of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Conservation Department, Government of Bihar, Patna.
4. The Sub-Divisional Officer, Munger, District Munger.
5. The Block Supply Officer, Darhara, District Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 21-03-2024

On 25.01.2024, following order was passed:-

Learned counsel for the appellant is hereby directed to furnish copy of the letters dated 29.12.2027, 01.02.2019 and 05.03.2019 which are stated in



Para 8 to 11 in I.A. for condonation of delay application so as to find out of genuineness such statement.

2. Re-list this matter on 08.02.2024.

2. It is necessary to re-produce Para No. 8 to 11 of the condonation of delay which reads as under:-

“8. That the learned advocate has examined the file and recorded legal opinion on 27.10.2018 and 01.02.2019 to file appeal against Hon’ble Single Judge order.

9. That then the Legal assistant has endorsed file on 5.3.19 to Deputy General Manager (Legal) for file approval and the Deputy General Manager (Legal) has endorsed the file on 5.3.19 before the Chief General Manage, BSFC for filing appeal and finally the Managing director, BSFC approved aforesaid file on 7.3.19 for filing appeal.

10. That therefore the file was handed over to the advocate for preparing appeal, limitation and stay petition and also these petitions were drafted and submitted before the Deputy General Manager (Legal) on 27.3.19.

11. That then the Legal Assistant has endorsed file on 24.4.19 before the Deputy General Manager (Legal) for approval of draft petitions, i.e. appeal, limitation and stay. Then the DGM Legal and endorsed file to Legal Assistant to examine the facts on 24.4.19.”



3. The cited communication or document have not been made available to this Court despite sufficient time was granted to the appellant.

4. Accordingly, I.A. for condonation of delay and its contents are misleading in the absence of producing referred relevant document/ communications. Accordingly, I.A. No. 03 of 2024 for condonation of delay of one year and 230 days in filing L.P.A. stands dismissed.

5. Consequently, the present L.P.A. No. 793 of 2019 stands dismissed.

6. Pending I.A.s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.04.2024.
Transmission Date	N/A

