

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8928 of 2018

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Arvind Kumar @ Arbind Prasad Son of Late Kishori Mahto, resident of Village- Peerbaddhauna, P.S.- Daniyawa, District- Nalanda, Proprietor of M/S Krishana Rice Mill, Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Patna.
5. The District Manager, Bihar State Food Civil Supplies Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar
For the BSFC	:	Mr.Sanjay Prasad
For the Respondent/s	:	Mr.Arvind Ujjwal- SC-4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 01-08-2025

1. The writ petition is filed for the following reliefs:-

“(i) To quash the notice dated 21.03.2017 issued by the District Manager, Nalanda for furnishing of bank guarantee of Rs. 5919874.00 (Annexure-6) equal to the cost of Custom Rice Mill of 2012-13 by misinterpreting the Hon'ble Apex Court order and direction in Special Leave



Application no. 1779 (Crl) of 2016 dated 28.02.2016.

(ii) To hold and declare that the letter issued by the respondent Corporation is bad and illegal in view of the fact that the petitioner is not liable to furnish bank guarantee as per the direction given by the Hon'ble Supreme Court in S.L.P. (Crl.) No.1779 of 2016 in the case of State of Bihar and others Versus Devesh Kumar Choudhary, as petitioner was not in party and the amount in question Arbitration case is pending before the court below as per clause-16 of agreement as well as observation of Hon'ble Court.

(ii) To issue any other writ/writes, order/orders, direction/directions as your lordships deem fit and proper in the facts and circumstances of case."

2. During the course of the arguments, the Learned counsel for the petitioner seeks indulgence of this Court to grant liberty to file a representation before the authority and direct the authority to pass



necessary orders duly taking into account the objections filed by the petitioner.

3. Without going into merits of the case, the petitioner is directed to file a representation before the authority within one month from the date of receipt of this order. In turn, the appropriate authority, i.e., District Manager, BSFC, Nalanda shall consider the representation and pass an appropriate order within three months from the date of filing of the representation.

4. With the aforesaid observations, the Writ petition is disposed of.

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

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2025
Transmission Date	

