

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1669 of 2019

In
Civil Writ Jurisdiction Case No.25070 of 2019

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M/s Koshi Rice Mill, Sour Bazar, Saharsa through its Manager, Gajendra Bhagat, aged about 42 years, (Male) S/o Bachcha Bhagat, Resident of Village- Rajanpur, Police Station- Mahishi, District- Saharsa.

... .. Appellant

Versus

1. The General Manager, Food Corporation of India, Exhibited Road, Patna.
2. Assistant General Manager, Food Corporation of India, Exhibition Road, Patna.
3. The Godown in-Charge, FCI, Saharsa.
4. The Bihar State Food and Civil Supply Corporation through its Managing Director, Patna.
5. The District Manager, State Food and Civil Supply Corporation Limited, Saharsa.
6. Certificate Officer, Saharsa.
7. The State of Bihar through D.M. Saharsa.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Binod Kumar, Advocate
For the FCI	:	Mr. Amiya Kunal, Advocate
		Ms. Vijeta Kumari, Advocate
For the Respondent/s	:	Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-04-2025

The Appellant has assailed the order of the learned
Single Judge dated 13.12.2019 passed in C.W.J.C. No. 25070 of
2019.

2. The Appellant has suffered an order under the



Bihar and Orissa Public Demands Recovery Act, 1914 for recovery of a debt of Rs. 2,20,44,577/-. The learned Single Judge has taken note of statutory provision that Appellant has not exhausted statutory remedy under Section 60 of the Act, 1914 insofar as preferring appeal. Further, it was observed that there must be agreement among the Appellant and Bihar State Food and Civil Supply Corporation (for short Corporation) and in the such agreement, there may be arbitration clause, if such clause is reflected in the agreement, in that event, Appellant has a remedy under Section 40 or 41 of the Arbitration and Conciliation Act, 1996.

3. Feeling aggrieved by the order of the learned Single Judge, Appellant has presented this L.P.A. During the pendency of the present L.P.A. Appellant is stated to have invoked remedy under Arbitration and Conciliation Act insofar as filing some request case. Thereafter, certain development has taken place. In the light of later developments insofar as invoking remedy under Arbitration and Conciliation Act, the present L.P.A. do not survive for consideration.

4. Learned counsel for the Appellant has also not apprised this Court what is the error committed by the learned Single Judge in its order dated 13.12.2019 passed in C.W.J.C.



No. 25070 of 2019. Resultantly, L.P.A. No. 1669 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
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