
(2025) 04 JH CK 1344
In the Jharkhand High Court
Case No : Writ Petition (C) No. 900 Of 2025

Rashmi Rice Mill

APPELLANT

Vs

State Of Jharkhand through its Secretary

RESPONDENT

Date of Decision : 16-04-2025

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 406, 409, 419, 420

Citation : (2025) 04 JH CK 1344

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Vikash Kumar, Sweta Shukla, Dr. Ashok Kr. Singh, Sharon Toppo

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

Heard, learned counsel for the parties.

1. The instant Writ Petition has been filed for issuance of appropriate Writ/ Rule/ Direction to the respondents to settle the accounts of the petitioner and release the excess amount recovered from the petitioner against Kharif Marketing Season 2012-13 for procurement of rice for the period from 2013-14.
2. Petitioner is a Unit of M/s Alka Himagar Private Limited, a Company incorporated under the Companies Act, 1956 and was primarily engaged in the business of running and operating Rice Mills for conversion of paddy into Rice.
3. Department of Food, Public Distribution and Consumer Affairs during the Kharif Marketing Season (KMS) 2011-12, by a Resolution dated 22.12.2012 decided to procure 4 Lakh tonnes of paddy directly from farmers through 1000 paddy procurement centre for KMS 2012-13. Respondent No.2 i.e. Jharkhand State Food and Civil Supplies Corporation Limited was the Nodal Agency for the procurement of paddy and the co-operative societies, Department of Jharkhand assisted them in procurement of paddy.

4. Agreements were executed between the Co-operative Societies i.e. the procuring Agency and the Rice Mills for ensuring that there is no delay in conversion of Paddy to CMR (Customized Milled Rice).
5. Dispute arose between the petitioner's unit and the Co-operative Societies with regard to supply of Customized Milled Rice (CMR) against the paddy which was procured by the petitioner's unit.
6. An FIR being Hazaribagh Sadar Muffasil P.S. Case No.22 of 2015 was also lodged under Sections 406 / 409/ 419/ 420 and 120B IPC against the petitioner for non-supply of Custom Milled Rice to the FCI and thereby causing embezzlement of Rs.1,71,22,850/-.
7. It is contended that the claim amount was paid by the petitioner and consequently Final Form No.303 of 2018 was submitted in Hazaribagh Sadar Muffasil P.S. Case No.22 of 2015.
8. It is submitted by the learned counsel for the petitioner that the respondents have recovered/ received a total amount of Rs.2,12,87,535/- from the petitioner against the total dues of Rs. 1,71,22,850/-.
9. For the recovery of the excess amount from the respondents, paid by the petitioner to the tune of Rs.24,15,676/-, several representations were made and the same have been annexed with the instant Writ Petition as Annexure-5 Series, but the said representations have not been disposed of as no final order has yet been passed.
10. Learned AC to AAG.II for the State seeks sometime to seek instruction and file counter-affidavit.
11. Having heard learned counsel for the parties and in view of the fact that the matter involves settlement of account, the respondents are under statutory duty to respond to the issues raised by way of representations. From the Annexure-5 Series, the first representation was submitted way-back on 28.12.2020, but it is a sad state of affairs that the representations have not been finally disposed of.
12. State through its instrumentalities needs to act fairly and transparently with the citizens and cannot be driven from pillar to post and finally into litigation for some legitimate dues with the State. Minimum that can be expected from the State functionaries is that, issues raised through representation should have been responded to by the competent authority(s).
13. Under the circumstances, Respondent No.2- The Jharkhand State Food and Civil Supplies Corporation Limited, through its Managing Director is directed to dispose of, the representation and the issues of settlement of account of the petitioner within a period of three months of the order, failing which, he will be personally liable to pay a cost of Rs.25,000/- to the petitioner.

Accordingly, the instant Writ Petition stands disposed of.