

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5129 of 2015

=====

M/s Dhankuwar Cold Storage (Pvt.) Ltd. Nasriganj, Digha Patna Though its Director Satendra Kumar son of Sri Brahamdeo Singh, resident of Jitendra Poultry Farm, Nasriganj, P.O. Digha P.S.-Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Sr. Collector, Patna.
2. The District Certificate Officer cum Sr. Collector, Patna.
3. The Bihar State Power Holding Company Ltd. Through its Chief Managing Director, Vidyut Bhawan, Patna
4. The Chief Managing Director, Bihar State Power Holding Company Ltd. Vidyut Bhawan, Patna
5. The Managing Director, Sough Bihar Power Distribution Company Ltd. Vidyut Bhawan, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the State : Mr. Anil Kr Upadhyay, SC 20
For the SBPDCL : Mr. Akhileshwar Singh

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 23-07-2015 Heard counsel for the petitioner, Mr. Upadhyay for the respondent-State and the counsel for the respondent-Power Company.

Counsel for the State has drawn attention of the Court to the order dated 17.04.2015 wherein the epicenter of the disputes between the parties was noticed. The records of the Certificate Case No. 01/2014-15 have been produced for perusal. From the records, it has been pointed out by Mr. Upadhyay that the requisition was lodged with the Certificate Officer in



June/July, 2014. In response to the notice issued under section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 (for short 'the Act') a show cause/objection has been filed by the petitioner. If that be so, then it goes without saying that all issues of fact and law can be raised by the petitioner for consideration by the Certificate Officer.

The contention of the petitioner is that copy of the certificate duly authenticated by the Certificate Officer was not enclosed along with the notice under section 7 of the Act. However, it is not in dispute that the petitioner has already filed his objection before said Certificate Officer. If any claim is raised including the one raised herein is/are raised before the Certificate Officer the law enjoins the Certificate Officer to consider the same and pass appropriate and reasoned order thereon. This being the position in law, this Court is not inclined to invoke its discretionary and extraordinary writ jurisdiction to grant the relief permitting the petitioner to raise all issues as raised in this writ petition before the Certificate Officer for consideration and disposal in accordance with law. At this stage, counsel for the petitioner states that the objection which the petitioner has already filed will be pressed before the respondent Certificate Officer within four weeks. Considering the said stand taken

before this Court, this Court directs that for a period of four weeks from today, no coercive action shall be taken against the petitioner in the pending Certificate Case No. 01/2014-15.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--