

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9582 of 2015

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Anil Kumar son of Shri Ramadhar Prasad resident of village - Kodarkat,
P.S. - Chhauradano, District - East Champaran, Proprietor of M/s Gunjan
Rice Mill, Motihari, East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies New Secretariat, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
3. The District Manager, State Food Corporation Limited, East Champaran.
4. The District Magistrate, Collectorate, East Champaran at Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
For the State : Mr. Rikesh Sinha, AC to SC VIII
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 07-07-2015 I have heard learned counsel for the petitioner, the

State and the respondent BSFC.

The petitioner's grievances is that without deciding
his objection under Section 9 of the Bihar and Orissa Public
Demand Recovery Act, 1914 (hereinafter referred to as 'the Act')
the authorities are taking steps for recovery of the certificate
amount by taking recourse to coercive measure.

Mr. Yogesh Chandra Verma, learned Senior Counsel
appearing for the petitioner submits that even before disposal of
the objection by passing an order under Section 10 of the Act, the
Certificate Officer, vide Annexure 5 dated 11.3.2015 has directed

the petitioner to deposit Rs. 5,18,723/- before BSFC authority as if the same has been admitted by the petitioner.

It is contended that the petitioner has never admitted the amount. A copy of the objection petition has also been appended as Annexure 4.

In above view of the matter, this Court is of the opinion that if certificate proceeding has been initiated and notice under Section 7 of the Act has been served upon the certificate debtor and further, he has filed objection denying liability then the Certificate Officer would be required to consider the same and pass a reasoned order either altering, modifying, setting aside the certificate or to reject the objection. Section 14 of the Act clearly lays down that when an objection filed under Section 9 of the Act unless such objection has been heard and determined the certificate cannot be executed.

Accordingly this writ application is being disposed of with a direction to the Certificate Officer to dispose of the objection filed by the petitioner under Section 9 of the Act on its own merit and in accordance with law within a period of four weeks from the date of receipt / production of a copy of this order.

Till then let no coercive step be taken for the

recovery of the certificate amount from the petitioner.

However, after passing of a reasoned order as per the direction contained herein, the Certificate Officer would be at liberty to proceed in accordance with law

It is made clear that this order has been passed on the submissions made on behalf of the petitioner that no decision has been taken on his objection as yet. In case the objection has already been disposed of by passing a reasoned order then this order would not bind the Certificate Officer.

(Dr. Ravi Ranjan, J)

Spd/-

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