

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6630 of 2016

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Gyaneshwar Prasad Gupta Son of Ramlochan Sah Proprietor of M/s Shiv Shakti Rice Mill resident of village - Pitamberpur, P.S. Bihta, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District - Patna
2. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Patna, District - Patna
4. The District Certificate officer, Danapur, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the State : Mr. Satyeshwar Prasad, SC-7
For BSFC : Mr. Aditya Prakash Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioner and learned counsels for the State and for the Bihar State Food and Civil Supplies Corporation.

The petitioner has approached this Court for quashing the Certificate Case No. 08/2014-15 pending in the court of the Certificate Officer, Danapur.

Various issues have been raised by learned counsel for the petitioner but it is pointed out by learned counsel for the respondents that the petitioner had filed his objection under Section 9 of the P.D.R. Act on 12.1.2015 in which he has admitted the amounts and prayed for time till 30th April, 2015 for



making the entire payments after adjustment of the milling and transportation charges.

On a consideration of the facts and circumstances, it is evident that no issue regarding jurisdiction or non-supply of certificate has been raised in the objection petition dated 12.1.2015 by the petitioner which are sought to be raised for the first time before this Court. Moreover, the petitioner although had mentioned the fact that the paddy supplied was not in a good condition yet he had admitted the fact that he was ready to pay the dues by 30.4.2016.

In the aforesaid view of the matter, it would not be proper to entertain the writ application at this belated stage at the behest of the petitioner after objection of the petitioner has been disposed of by the Certificate Officer in the course of which no objection with regard to jurisdiction or non-supply of certificate has been taken by the petitioner.

The writ application is, accordingly, dismissed. However, it is made clear that if the petitioner is entitled to transportation and milling charges from the respondents then the same must be adjusted in the amount which the petitioner has to pay to the respondents at the time of payment itself and the petitioner should not be compelled to receive the said amounts



after he pays the full amounts.

It is also made clear that the interest to be charged from the date of filing of the certificate proceedings shall only be on the amount after subtracting the transportation and milling charges on the date of certificate.

Let the petitioner be also granted three equated monthly instalments, the first of which instalment must be paid on or before 17th November, 2016.

So long the petitioner continues to pay instalments in the manner and within the time as directed above, no coercive action shall be taken against him.

(Ramesh Kumar Datta, J)

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