

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10699 of 2014

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AJAY KUMAR GUPTA son of Sri Bindyachal Prasad, resident of village -
Gandhinagar, P.O. and P.S. Bagaha I and District West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Birchand Patel, Patna through it's Managing Director
3. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, Birchand Patel Path, Patna
4. The District Magistrate, Bettiah, West Champaran
5. The District Manager, Bihar State Food & Civil Supplies Corporation, Bettiah, West Champaran
6. The Certificate Officer, Bettiah, West Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Agrawal, Advocate
For the Respondents: Mr. Satyadeo Kumar, SC 5
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-03-2016

As prayed, learned counsel for the petitioner is permitted to implead the Certificate Officer, West Champaran at Bettiah as respondent no. 6 in course of the day.

2. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the respondent-Corporation.

3. At the very outset, learned counsel for the petitioner makes a statement at the Bar that subsequent developments have taken place and Certificate Case No. 38 of 2014-15 have been initiated for recovery of an amount of Rs. 70,08,768.69 along with interest at the

rate of 18%. It is submitted that the entire proceedings in Certificate Case No. 38/2014-15 against the petitioner in terms of the notice dated 07.10.2014 under Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 70,08,768.69 are wholly illegal and liable to be quashed. It is further stated that an objection petition under Section 9 has already been filed by the petitioner but the Certificate Officer has not yet disposed of the same.

4. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, West Champaran at Bettiah to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, if still pending, on its own merits, in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

5. It is made clear that until disposal of such objection petition, the Certificate Officer, West Champaran at Bettiah, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 38/2014-15.

(Vikash Jain, J)

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