

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8415 of 2016

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1. Ajay Kumar son of Late Kailash Yadav Resident of village - Hawanpura, P.O. Bhandari, P.S. Rahui, District - Nalanda, proprietor Maa Lakshmi Rice Mill, Hawanpura, P.O. Bhandari, P.S. Rahui, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda at Biharsharif.
2. The District Magistrate, Nalanda at Biharsharif, District - Nalanda at Biharsharif.
3. The District Certificate Officer, Nalanda at Biharsharif, District - Nalanda at Biharsharif.
4. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Birchand Patel Path, Patna through the Managing Director.
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna.
6. The District Manager, State Food Corporation, Nalanda at Biharsharif, District - Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam
For the State : Mr. Rajesh Kumar, A.C. to G.P.3
For B.S.F.C. : Mr. Aditya Prakash Sahay

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 06-09-2016 Heard learned counsel for the petitioner and learned

counsels for the State and for the Bihar State Food and Civil

Supplies Corporation Ltd.

The writ application has been filed for quashing the

order dated 08.03.2016/15.03.2016 passed by the District

Certificate Officer, Nalanda at Biharsharif, by which the warrant

of arrest has been issued against the petitioner for recovery of an

amount of Rs.1,43,40,435/-.



Learned counsel for the petitioner submits that even before coming to this Court the petitioner had paid an amount of Rs.31,00,000/- of the total dues of Rs. 1,64,40,455/- and thereafter on the direction of this Court another amount of Rs. 33,00,000/- has been paid and thus the dues at present is Rs.99,99,999.10 as per the demand made vide letter dated 24.06.2016 by the District Manager, State Food Corporation, Nalanda.

It is stated by learned counsel for the petitioner that the petitioner on his own is prepared to liquidate the entire dues of the respondent-Corporation in ten monthly instalments.

Learned counsel for the respondent-Corporation on instructions submits that in view of the bona fide shown by the petitioner with regard to payments already made and willing to pay the remaining amount the Corporation is ready to accept the payment of the petitioner in ten monthly instalments but since the Corporation itself is paying interest to its bank to the extent of about 12% on the loan taken by it and further even in the certificate proceedings, the petitioner would be obliged to pay interest at the rate of 12% since the institution of the proceedings, the petitioner must pay interest on the reducing balance.

In view of the stand of the respondent-Corporation, it is directed that the petitioner shall pay the entire amount of

Rs.99,99,999.10 to the respondent-Corporation in ten monthly instalments along with interest at the rate of 9% per annum from today on the reducing balance. The petitioner shall pay an amount of Rs. 10, 50,000/- on or before 30th September, 2016 and thereafter he shall keep on paying the same amount in each succeeding month until the nine instalments and the balance including the interest on the reducing balance, whatever it may be, shall be paid in the tenth instalment.

In the meantime, the certificate proceedings in Certificate Case No.09 of 2014-15 shall remain in abeyance; however, failure of the petitioner to pay any of the instalments would revive the certificate proceedings and the respondent-Corporation thereafter may proceed against the petitioner in accordance with law.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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