

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4484 of 2012

=====

M/S Steel Authority of India Ltd., a public limited company Incorporated under the provisions of the Companies Act, 1956 through its constituted attorney Sri Anandi Dubey, Branch Manager at Patna Sales Branch Office, Luv-Kush Tower, Exhibition Road, P.S. Gandhi Maidan Town and District Patna

.... Petitioner

Versus

1. The State of Bihar through Its Chief Secretary
2. Executive Engineer, Rural Engineering Organization, Works Division, Samastipur
3. Certificate Officer, Samastipur, Town and District-Samastipur

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajeev Ranjan Prasad
Mr. Rajendra Kumar,
Mr. Nilanjan Chatterjee, Advocates
For the Respondents: Mr. Raeksh Ambastha, AC to AAG 15

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner and learned
counsel for the State,

2. It is submitted on behalf of the petitioner that the entire
proceedings in Certificate Case No. 01/2001-02 against the petitioner
in terms of Section 7 of the Bihar & Orissa Public Demand Recovery
Act (for short, “the Act”) for recovery of the dues amounting to Rs.
2,59,500/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is
that a warrant of attachment has been issued against petitioner in
connection with the dues amounting to Rs. 2,59,500/- recoverable in
terms of the notice dated 07.05.2011 issued by the District Certificate
Officer, Samastipur in Certificate Case No. No. 01/2001-02.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of attachment has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the Certificate Officer, Samastipur to consider and dispose of the objection petition under Section 9 of the Act said to have been filed by the petitioner, 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.

6. It is made clear that until disposal of such objection petition, the Certificate Officer, Samastipur shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01/2001-02.

(Vikash Jain, J)

B.T/-

U			
---	--	--	--