

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17918 of 2013

=====

Arun Kumar son of Sri Ram Ekbal Hathi resident of Village-Lakshmipur Bhutahi, P.S. Sonebarsa, District- Sitamarhi, the Adhyaksh of Madheshra Pacs Rice Mill, P.S. Sonebarsa, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Sitamarhi
2. The District Certificate Officer, Sitamarhi
3. The District Manager, Bihar State Food and Civil Supplies Corporation, Sitamarhi

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
Mr. AN. Rai, Advocate

For the B.S.F.C. : Mr. R.S. Pradhan, Sr. Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 29-02-2016 Counsel for the parties are present.

Mr. R.S. Pradhan, learned senior counsel appearing for the Bihar State Food and Civil Supplies Corporation fairly admits that in view of the Bench decision of this Court passed in CWJC No. 13746 of 2013, the certificate proceedings would not be maintainable but the Bench by the same order has given liberty to the Corporation to recover the amount in question by taking recourse to other modes available in accordance with law.

In view of the submissions made by Mr. Pradhan the entire proceedings arising from Certificate Case No. 9 of 2013-14 pending before the District Certificate Officer, Sitamarhi for

recovery of Rs. 38,71,127/- stated to be the value of custom milled rice that was supposed to be supplied by the petitioner, is held unsustainable in the light of the opinion expressed in CWJC No. 13746 of 2013 and is accordingly set aside. This order, however, would not preclude the Corporation to take recourse to other remedy available for recovery of the amount in question in accordance with law.

The writ petition is allowed.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--