

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4558 of 2014

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M/S Daya Engineering Works (Sleeper) Ltd., 187, Anugrahpuri Colony, P.S. A.P. Colony, District - Gaya through its one of the Director Mukesh Prasad

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Labour Resources, Government of Bihar, Patna
3. The Deputy Labour Commissioner cum Controlling Officer, Gaya
4. The District Magistrate, Gaya
5. The Certificate Officer, Gaya
6. Sri Dulal Ranjan Mazumdar, Uprupa Apartment, 220 Shaheed Hmant Kumar Basu Sarani, Damdam, Calcutta - 700074 (West Bengal)

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashutosh Singh, Advocate

For the Respondents: Mr. Md. N. Hoda Khan, SC 18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-02-2016

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 of 2013-14 against the petitioner- M/S Daya Engineering Works (Sleeper) Ltd in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 1,38,832/- are wholly illegal and liable to be quashed.

3. Learned counsel for the respondents submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying its liability, and as such there is no illegality in the

action of the Respondents.

4. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file its petition under Section 9 of the Act within a period of four weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

5. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Gaya shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01 of 2013-147.

6. The writ petition stands disposed of.

(Vikash Jain, J)

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