

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4726 of 2016

=====

Naresh Prasad Son of Late Dwarika Prasad, Proprietor of M/s Ganesh Rice Mill,
Resident of village - Baidrabad, P.S. Arwal, District - Arwal Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. Principal Secretary, Cooperative Department, Government of Bihar, Patna
3. District Magistrate, Arwal
4. Bihar State Food and Civil Supply Corporation Limited, represented through its
Managing Director, Son Bhawan, Birchand Patel Path, Patna
5. District Magistrate, State Food Corporation, Jehanabad
6. District Certificate officer, Arwal

.... .. Respondents

=====

Appearance :

For the Petitioner : Mr. AK Thakur & Nilesh Kumar, Advocate

For the Respondents : Mr U.S.Singh, Ac to GA2 and

For the Corporation Mr. SK Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 08-06-2016

Petitioner seeks setting aside Certificate case no. 09
of 2015-2016 initiated against him by the District certificate
officer, Arwal (respondent no.6) under the Bihar and Orissa Public
Demand Recovery Act, 1940 with regard to public demand of a
sum of Rs.64,55,236/-. The petitioner further seeks direction to the
respondent no.6 not to proceed with the certificate case till his
representation filed before the District Magistrate, Arwal
(respondent no.5), contained in Annexure 2, is disposed of.

In view of nature of order I propose to pass, I need
not to direct the respondents to file counter affidavit.

The petitioner is proprietor of a rice mill in the name of M/s
Ganesh Rice Mill, Baidrabad, Arawal. It is his case that pursuant to



agreement arrived in the year 2011-12, he supplied requisite quantity of milled rice to the appropriate godown as assigned by the Bihar State Food Corporation (in short 'the BSFC'). However, respondents failed to compensate transportation charges as well as labour charges. The petitioner further states that he requested the respondents for lifting the milled rice from the premises of the rice mill but the same was not lifted by respondents as per agreement for the year 2012-13, as such, he would not be held responsible for non-lifting of the milled rice.

Counsel for the State submits that the petitioner was under obligation to transport the milled rice to the respective godown.

I find that the petitioner has already filed a representation before respondent no.5 and seeks disposal of the same so that actual liability can be determined and the actual amount for which he can be proceeded in the certificate case.

In view of the above, this Court considers it reasonable that respondent no.5 should dispose of petitioner's representation after providing hearing to the petitioner or his representative.

Pending adjudication, the petitioner would deposit Rs.7 lacs within three weeks from today before the Certificate officer (respondent no.6). On deposit of the amount, the Certificate proceeding would remain in abeyance till adjudication of the matter by the learned Collector.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	9.6.2016
Transmission Date	9.6.2016