

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8197 of 2016

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M/s Champion Group of Company, through its Proprietor, Amit Kumar Singh, Son of Rameshwar Singh, Resident of Village- Baghini, P.S.- Monania, Distt- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Mines & Geology, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Certificate Officer, Mines & Geology, Magadh Circle, Gaya.
5. The Assistant Director, Mines & Geology, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh Mr. Sumeet Kumar Singh
For the B.S.F.C	:	Mr. Aditya Prakash Sahay, Advocate
For the Mining Department :		Mr. D.K. Sinha, Sr. Advocate Mr. Rajendra Prasad

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-05-2016 Heard Mr. Sanjeev Kumar Singh, learned counsel appearing for the petitioner and Mr. D.K. Sinha, learned Senior Counsel appearing for the Mining Department, along with Mr. Rajendra Prasad.

The petitioner questions the proceedings arising from Certificate Case No.396 of 2015-16 initiated at the instance of the Mining Officer, Gaya for recovery of interest on belated payment of royalty. It is the argument of Mr. Sanjeev Kumar Singh, learned counsel for the petitioner that the notice in question issued under section-7 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as ‘the



Act') was issued on 29.1.2016 requiring a response from the petitioner but much before that, the petitioner has already moved the Commissioner, as against the demand raised by the department for payment of interest. It is his submission that the respondent no.2 is in seisin of the matter on the petition filed by the petitioner and thus until such time that the issue is pending before him, there is no occasion for the certificate officer to proceed with the certificate proceedings.

Mr. D.K. Sinha, learned counsel appearing for the Department submits that these are the issues which neither finds mention in the writ petition nor has the petitioner drawn the attention of the Certificate Officer towards pendency of such objection petition before the respondent no.2. He thus submits that since the proceeding is only at the stage of notice under section-7 of 'the Act' hence all these aspects can be brought to notice by the petitioner before the Certificate Officer but without drawing his attention, the petitioner has rushed to this court.

Having heard learned counsel for the parties and considering the stage of certificate proceedings, in my opinion the submission of Mr. Sinha is correct and is fit to be accepted. Although a statement is made at the bar by Mr. Sanjeev Kumar

Singh, learned counsel for the petitioner regarding some matter pending before the respondent no.2 on the issue of interest but it does not find mention in the pleadings nor there is such document on record supporting such stand.

Be that as it may, for the present I would dispose of this writ petition with a liberty to the petitioner to raise his plea before the certificate officer by drawing his attention towards the pendency of the matter, regarding payment of interest on delayed payment of royalty by enclosing supporting documents and which plea shall accordingly be considered and be disposed of by the certificate officer in accordance with law.

(Jyoti Saran, J)

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