

Raju Kumar Jaiswal, son of Shri Nand Lal Prasad, resident of village Lngri,
P.S. Lauriya, District West Champaran

Versus

- Respondent/s

For the Petitioner/s	:	Mr. Suraj Samdarshi Mr. Sumit Kumar Jha
For the State	:	Mr. Bandana Singh, AC to GP-18
For BSFC	:	Mr. Aitya Prakash Sahay



The Certificate Case No. 29/2014-15 was filed against the petitioner who is proprietor of a Rice Mill, namely, M/s. Jai Mata Di Rice Mill. The notice was served upon the petitioner although it was not personally received by him on 13.11.2014. The petitioner thereafter filed his objection under Section 9 of the Act along with an application for condonation of delay on 16.4.2015. By the impugned order dated 28.7.2015 the objection petition has been rejected on the ground that it is barred by limitation and body warrant has been directed to be issued.

Learned counsel for the petitioner submits that the objection petition could not have been rejected without first deciding the application for condonation of delay which has not been done in the present matter as is evident from the order sheet of the case which has been produced.

Learned counsel for the State is unable to point out anything from the record that the limitation petition filed by the petitioner has been considered.

In the above circumstances, the writ application is allowed. The impugned order dated 28.7.2015 is quashed and the matter is remanded to the Certificate Officer to consider and dispose of the application for condonation of delay filed by the petitioner and thereafter proceed in the matter in accordance with



law.

Needless to say that with the quashing of the impugned order dated 28.7.2015, the body warrant and any other coercive action shall also stand withdrawn and further no coercive step shall be taken against the petitioner until the matter is decided as directed above in this order.

(Ramesh Kumar Datta, J)

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