

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18162 of 2016

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1. Messer Yasin & Iliyas Rice Mill, Supoul through its Proprietor Mujahid Alam son of Md. Iliyas, resident of village Berdenga, P.S. Mahalgawn, District-Araria.
 2. Bibi Sanjeeda Begam @ Bibi Sanjeeda wife of Abu Nasar resident of Village-Dalmalpur, P.S.- Amour, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Certificate Officer, Supoul
3. The State Food and Civil Supplies Corporation through its Managing Director, Khadya Bhawan Daroga Rai Path, Patna -800001.
4. The District Manager, State Food Corporation, Supoul.
5. The District Manager, State Food Corporation, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Respondent/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 18-11-2016

Heard Mr. Dilip Kumar Tiwary for the petitioners and Mr. Shailendra Kumar Singh for the respondent- State Food and Civil Supplies Corporation (for short 'the Corporation').

Petitioner no.1 is a Rice Mill whereas the petitioner no.2 is the proprietor of the said Mill. The petitioner entered into an agreement with the respondent -Corporation under which the mill was to be supplied paddy and the petitioner was required to custom milled the rice and deposit equivalent thereof with the Corporation. As he defaulted in depositing the CMR or equivalent thereof, the respondent-Corporation instituted a proceeding under the Bihar and Orissa Public Demands Recovery Act, 1914 (for short 'the Act') vide Certificate Case No. 58/2014-15. The petitioner contested the same. The Certificate Officer issued the certificate on 04.05.2016 directing the petitioner to pay the dues of the Corporation. The petitioner finding the direction inconvenient filed an application for certain modification/ change in the terms of payment. Mr. Tiwary, learned

counsel, fairly states that on a consideration of the said application the payment of the dues was directed to be made in instalment(s). The present application has been filed for a direction upon the Certificate Officer to further modify the terms and conditions of payment of the dues and/or modify those terms. It has been earnestly submitted that the petitioner is willing to deposit the amount if the period is extended. It is further highlighted that in compliance of the order passed by the Certificate Officer one instalment of the payment has already been made.

Mr. Singh, on the other hand, has raised an objection to the maintainability of the application stating that the certificate having been issued the petitioner has remedy of filing appeal thereagainst if she is dissatisfied with the order passed by the learned Certificate Officer and/or approach the said Court/authority.

Having appreciated the stand taken by the respondent-Corporation, it is submitted on behalf of the petitioner that the petitioner would approach the learned Certificate Officer seeking further modification in the terms and conditions of the payment of dues as adjudicated against the petitioner.

Having considered the submissions made at Bar, the present application is disposed of permitting the petitioner to approach the concerned authority for modification in the Certificate issued by the learned Certificate Officer in accordance with law. Needless to observe, if any such application is filed, the same shall receive due consideration and disposal at the hands of the concerned respondent in accordance with law.

(Kishore Kumar Mandal, J)

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