

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10250 of 2017

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1. Satrajan Singh, S/o Late Shaligram Singh, R/o Village- Regania, P.S.-
Mali, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad District- Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Limited through its M.D. Bihar at Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited Aurangabad, Dist- Aurangabad.
5. The Certificate Officer, District- Aurangabad, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For the BSFC : Mr. Harish Kumar
For the Respondent/s : Mr. Sanjay Kr.Giri-Gp9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 09-10-2017 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the BSFC.

In the present case, the petitioner is challenging the order dated 04.03.2016 and 20.05.2017 passed by the Certificate Officer in Certificate Case No. 17/2014-15.

In the order, the amount of C.M.R. has been shown to the tune of Rs. 25,26,126/- along with the interest, whereas, learned counsel for the petitioner submits that this order suffers from non-application of mind as the petitioner has already deposited Rs. 9,06,000/- against the total outstanding dues. The



Certificate Officer while passing the order has not taken cognizance of depositing of the aforesaid amount and without its consideration has directed for payment of Rs. 17,20,126/-. Inasmuch as in supplementary affidavit, which has been filed today, the petitioner has stated that he is ready to deposit the outstanding dues to an amount of Rs. 16,20,126/- to be paid in 18 installments.

Considering the entire facts and circumstances, the petitioner is directed to deposit the aforesaid outstanding dues along with interest in 16 equal installments in sixteen months. Since the petitioner is challenging the rate of the rice, he is at liberty to raise objection as BSFC has fixed the rate of Rice @ Rs. 2165/-, whereas the claim of the petitioner, it cannot go more than Rs. 1250/-

In the meantime warrant issued against the petitioner is stayed.

If the petitioner fails to deposit any of the installment, the relief, granted to the petitioner, will be treated to have been withdrawn. If the amount is paid by the petitioner, the BSFC would issue 'No Objection Certificate'.

(Shivaji Pandey, J.)

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