

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6461 of 2017

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1. M/s Guptaji Brothers Rice Mill Pvt. Ltd., Registered office at Bank, R/o At-Akhori Gola, New Sidhouli, Ward No.-5, Dalmiya Nagar, District- Rhotas through its Director Sri Rajeev Ranjan Kumar, S/o Ganesh Prasad Gupta, R/o-New Sidhouli, Ward NO.- 5, Dalmiya Nagar, District- Rohtas.
 2. Sri Rajeev Ranjan Kumar, S/o Ganesh Prasad Gupta, R/o New Sidhouli, Ward No.-5, Dalmiya Nagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Director of Industry, Bihar, Patna.
3. The Principal Secretary, Department of Food and Consumer, Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Bihar, Patna.
5. The Certificate Officer, Sasaram, District- Rohtas.
6. The District Manager, Bihar State Food and Civil Supplies Corp, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra, Adv.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4
For the BSFC	:	Ms. Namrata Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-06-2017

Heard learned counsel for the parties.

In the present case, the petitioners are challenging the notice in Certificate Case No. 97 of 2014-15 for recovery of Rs. 1,22,10,686.55/-.

The petitioners have already filed an objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act. He has further submitted that the specified certificate amount has to be paid by the Company not by the petitioners and the present case is fully covered by



the Division Bench Judgment of this Court in the case of Kanhaiya Lal Vs. The State of Bihar & Ors. reported in 2002 (2) PLJR 553 and the case of Vishal Rolling Mills Pvt. Ltd. & Ors. Vs. The Bihar State Power (Holding) Company Limited & Ors. reported in 2016 (3) PLJR 561.

When the petitioner has filed an objection, the Certificate Officer, Rohtas, Sasaram, is given direction to consider the objection and pass an order in accordance with law after considering the judgments placed by the petitioners.

Learned counsel for the petitioners submits that though the petitioners have filed an objection, before disposal of the same, the Certificate Officer, Rohtas, Sasaram, has issued warrant of arrest.

In that view of the matter, till disposal of the objection under Section 9 of the Act, the warrant of arrest shall remain stayed.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2017
Transmission Date	NA

