

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9106 of 2017

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Saket Kumar son of Lallu Prasad Singh resident of village - Sibani Bigha, P.O. -
Risiup, P.S. - Kutumba, District - Aurangabad.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh,
Mr. Satyendra Pd. Singh, Advocates
For the Respondents : Mr. Vikas Ratan Bharti, AC to GP9
For the BSFC : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-11-2017

The present writ petition has been filed for quashing the certificate case no. 20 of 2014-15 which has been initiated against the petitioner on the basis of certificate (Annexure-6) which forms part of section-7 notice is contrary to the statutory rules of Public Demand Recovery Act, 1914; and for connected reliefs.

2. Learned counsel for the petitioner assails the impugned certificate proceeding on various grounds and further states that the Arbitrator has since been appointed who is in seisin of the matter. He relies on a Division Bench judgment of this Court dated 18.10.2017 passed in LPA No. 1083 of 2017 (*Ashok Kumar Singh Vs. The State of*



Bihar & Ors.) in the following terms –

“Having heard learned counsel for the parties, now in view of the fact that an Arbitrator has been appointed to reconsider the dispute between the parties, it is not necessary to go into the various issues involved in the matter. All issues, including objections and counter objections raised by the parties, are kept open to be considered by the Arbitrator. However, keeping in view the settled principle of law that when an adjudication of dispute in accordance to law before an appropriate forum is pending, coercive recovery should not be permitted, we direct that till the matter is not resolved by the Arbitrator, no coercive action shall be effected against the appellant.”

3. In the above view of the matter, the present writ petition is disposed of, with the consent of the parties, in line with and on the same terms as in LPA No. 1083 of 2017.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

