IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9200 of 2017

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1. Sanjay Kumar Singh S/o Baliram Singh Prop. of M/S Shekhar Arwa Polisher Mill, Rasoiya, R/o Vill- Jharha, P.S. Kutumba, Distt- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Civil Supply Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.
3. The District Magistrate, Aurangabad.
4. The Certificate Officer, Aurangabad.
5. The District Manager, Bihar State Food Corporation, Aurangabad,.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Jai Prakash Singh
For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 26-07-2017

Heard the parties.

In the present writ petition, petitioner is claiming for quashing the order dated 4.3.2016 passed in Certificate Case No.94 of 2014-15 by which he has passed the final order.

Grievance has been raised by the petitioner that Certificate Officer while passing the order against him has not looked upon the objection filed by him nor he has adjusted the amount which he has already deposited against the demand of Rs, 71,52,697/-.

Final order has been passed which has been challenged without considering the points raised in the objection petition. In the objection petition the petitioner has claimed that he is

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entitled for adjustment of money which he is entitled by way of transportation, handling and milling charges as well as money paid by him at the event of granting bail.

Learned counsel for BSFC submits that though he has stated about transportation, handling and milling charges but he has not given the details of amount with its break up inasmuch as has not attached any document to substantiate his claim.

Having considered the rival contentions of the parties, it is not disputed that petitioner has deposited Rs.7,47,000/- to BSFC which requires adjustment against the total amount. So far details of claim of transportation, milling and handling charges though in the objection it is not fairly worded but averment has been made of adjustment of transportation, handling and milling charges.

In such circumstances, the petitioner, if so advised, may file supplementary objection giving details of his claim under the heading for transportation, milling and handling charges along with supporting documents. If the petitioner attaches those documents, the Certificate Officer, Aurangabad will be obliged to consider the same but certainly Rs,7,47,000 /- is required to be adjusted.

Accordingly the impugned order dated 4.3.2016 passed in

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Certificate Case No.94 of 2014-15 is set aside and matter is remanded back. While passing the order the Certificate Officer must consider points raised by the petitioner in the objection petition and additional objection petition, if any, filed by him.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.8.2017
Transmission Date	NA

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