

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10647 of 2017

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Shiv Pujan Mehta, S/o Ramrup Mehta, resident of Village- Deokali, P.S.- Obra,
Dist- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Dept.
Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad, District- Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Limited, Aurangabad,
District- Aurangabad.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited,
Aurangabad Dist- Aurangabad.
5. The Certificate Officer Aurangabad, District- Aurangabad.
6. The Superintendent of Police, Dist- Aurangabad.
7. The Sub Division Police Officer, Daudnagar, Dist- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv.
For the Respondent/s : Mr. Arvind Ujjwal- SC4
For the BSFC : Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order dated 4.3.2016 passed by the Certificate Officer, Aurangabad, whereby and whereunder, the Certificate Officer has directed the petitioner to pay Rs. 82,39,956/- which is outstanding dues against the petitioner.

The petitioner is a miller, having entered into the agreement to return 67% of the CMR against the amount of paddy which the petitioner has failed, led to initiation of the P.D.R. proceeding against the petitioner bearing Certificate Case No. 11/2014-15, notice was issued



to the petitioner, he filed his show-cause and a final order has been passed.

Learned counsel for the petitioner submits that the reply filed by the B.S.F.C. was not handed over to the petitioner and, as such, completely an illegal procedure has been followed in the present case.

The reply is not the basis for arriving to a final conclusion. As there is a provision of appeal, if the petitioner, so advised, may file an appeal before the appellate authority taking all the points available before him.

This Court has already granted interim relief of no coercive action against the petitioner. The interim relief will continue to operate till filing of the appeal subject to a condition that the petitioner must file an appeal within a period of four weeks from today in terms of Section 60 of the P.D.R. Act, in failure to file an appeal, in that event, the interim relief, so granted, will be treated to have been withdrawn.

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

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2017
Transmission Date	NA

