

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13127 of 2017

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Lal Babu Prasad Son of Sri Fulena Sah, resident of Navganwan, P.O. & P.S.-
Yogapatti, District- West Champaran, Bettiah, Proprietor M/S/ Raj Rice Udyog,
Industrial Area, Kumarbag, West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
4. The District Magistrate, West Champaran, Bettiah.
5. The Superintendent of Police, West Champaran, Bettiah.
6. The Certificate Officer, West Champaran, Bettiah.
7. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the State : Mr. Alok Ranjan, AC to AAG5
For the BSFC : Mr. Shailendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-09-2017

Heard the parties.

In the present case, petitioner has prayed for quashing the entire certificate proceeding of Certificate Case No.2 of 2017-18. Admittedly a proceeding is pending against the petitioner. In the meantime direction has been issued that if the miller failed to deposit the amount by 11.07.2017 the District Manager must lodge a criminal case against the miller which is grievance of the petitioner.

Learned counsel for the petitioner submits that petitioner



is ready to make payment of all outstanding dues after reconciliation of the account as he is entitled to adjustment of his milling, handling and transportation charges for the year 2012-13. He has further submitted that Request Case No.184 of 2017 has been filed but the same is pending.

Learned counsel for the BSFC submits that if petitioner is ready to settle the account then he must appear before the Certificate Officer for settlement of the account.

In view of the statement made at the Bar that petitioner is ready to settle the account, in such circumstances, petitioner is directed to file an objection petition under Section 9 of the PDR Act within three weeks from today where he would give his details that in what manner he is ready to settle his account and also give details and breakup of the amount which he is claiming to be entitled, copy of the same will be served upon the B.S.F.C. Both parties will be heard and Certificate Officer will make proper calculation of amount which is due against the petitioner and after settling the claim of the petitioner if Certificate Officer arrives to a finding that petitioner is liable to pay the amount he will be obliged to pay the same otherwise BSFC will be at liberty to realize the amount in accordance with law.

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



In the meantime, criminal case would not be lodged against the petitioner.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2017
Transmission Date	NA

