

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11039 of 2016

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1. Shyam Kumar Jaiswal, Son of late Gopi Nath Jaiswal, resident of Purani Bazar, P.O.- Narkatiyaganj, P.S.- Sikarpur, District- West Champaran, Bettiah, Proprietor Ajay Rice Mill, Sugai Mill Road, Narkatiyaganj, 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
For the State	:	Mr. Sunil Kumar Mandal, SC-3, Mr. Neelam Kumari, AC to Sc 3
For BSFC	:	Mr. Aditya Prakash Sahay

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-07-2017

Heard the parties.

In the present case, petitioner has prayed for quashing the entire certificate proceeding of Certificate Case No.26 of 2014-15.

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 24.5.2016 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 2011-12 and 2012-13. He has further submitted that Request Case No.53 of 2017 disposed of on 19.7.2017 in his favour but has been challenged before Hon'ble Supreme Court.

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 gives 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 BSFC. Both parties will be heard and Certificate Officer will assess the 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)

Vinay/-

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

