

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3916 of 2016

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Rakesh Kumar Sharma, through its Proprietor M/s Annapurna Rice Mill S/o
Ramchandra Sharma Resident of village - Kailitand, P.O. Sahatha, P.S.
Bhagwanpur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Govt. of Bihar, Patna
2. The Managing Director, Food Civil Supply Corporation, Sone Bhawan, Bihar, Patna
3. The District Collector, Vaishali, District Hajipur
4. The District Manager, Bihar State Food and Civil Supplies Corporation, Vaishali, Hazipur
5. The Certificate officer, District Vaishali Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Krishna Mohan Mishra, Adv.
For the State	: Mr. Rakesh Ambastha, AC to AAG-07
For the BSFC	: Mr. Shailendra Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-02-2017

Heard learned counsel for the petitioner and counsel for the
State as also counsel for the B.S.F.C.

In the present case, the Certificate Officer has issued the certificate for recovery of an amount of Rs.30,93,530/-, in pursuance thereof, a proceeding under the Bihar and Orissa Public Demand Recovery Act was initiated against the petitioner has been registered as Misc. Case No. 07/2014-15, a notice was issued to the petitioner, on receipt of the same, the petitioner filed an objection under Section 9 of Act raising different grounds. The Authority under the Public Demand Recovery Act has issued the body warrant as the petitioner could not produce the interim order in his favour from this Court.



Learned counsel for the petitioner submits that the proceeding of the P.D.R. Act is lacking authority as the certificate does not bear the signature of the certificate officer and, hence, the entire proceeding is vitiated.

This part of the argument is not sustainable in view of the fact that the signature of the Certificate Officer along with date is apparently clear. Mere some technical error cannot be a basis to quash the proceeding as substantial compliance has been made. Further Certificate Officer has issued the body warrant without disposal of the objection raised by the petitioner. In that view of the matter, the order dated 25.5.2016 is quashed and the Certificate Officer is directed to consider the objection of the petitioner and pass a reasoned order in accordance with law.

If the petitioner would feel aggrieved of the order of the Certificate Officer, he will have a liberty to challenge the same before the appellate authority as provided under Section 60 of the P.D.R. Act.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	

