

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15575 of 2012

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Sachchidanand Rai, Director, Eden Transport Pvt. Ltd., son of Late
Jaleswar Rai, Flat No.7, Third Floor, Loudan Street, Kolkata- 700017

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Transport,
Government Of Bihar, Patna
2. The Joint Commissioner Cum Secretary, Regional Transport Authority,
Patna Cum Certificate Officer, Patna Division, Patna
3. Bihar State Road Transport Corporation through its Managing Director,
Sultan Palace, Bir Chand Patel Path, Patna
4. The Chief Mechanical Engineer, Bihar State Road Transport
Corporation, Sultan Palace, Bir Chand Patel Path, Patna
5. The Administrator, Bihar State Road Transport Corporation, Sultan
Palace, Bir Chand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Abhinav Srivastava, Advocate
Mr. Nilanjan Chatterjee, Advocate
Mr. Raushan, Advocate
Mr. Rajan Prakash, Advocate
Mr. Ujjwal Bhusan, Advocate
For the State : Mr. S.S. P. Yadav, S.C.-14

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-03-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

By way of the present writ application, the petitioner
has come to this Court seeking for the reliefs as enumerated in
paragraph no.1 thereof, which is reproduced herein below :

- (a) for quashing the order dated 21.04.2012
(Annexure 19) passed in Certificate Case
No.07/2011-12 by the Joint Commissioner-
Cum-Secretary, Regional Transport Authority,
Patna-Cum-Certificate Officer, Patna Division,



Patna (Respondent no.2), by which objection under Section 9 of the Public Demands Recovery Act of the petitioner has been rejected without holding enquiry and without determining whether certificate debtor is liable for payment of the whole or part of the demand.

- (b) Be further pleased to quash the order dated 25.05.2012 rejecting the review application of the petitioner without considering the points raised therein which is contained in Annexure 20 to this petition.
- (c) Be further pleased to hold that Joint Commissioner-Cum-Secretary, Regional Transport Authority, Patna (Respondent No.2) is not the Certificate Officer under the Public Demands Recovery Act.
- (d) Be further pleased to hold that the royalty under the agreement with the Bihar State Road Transport Corporation is not a public demand within the meaning of Section 3(6) read with Clause 9 of Schedule-I of the Public Demand Recovery Act.”

Learned counsel for the petitioner submits that during the pendency of the present proceedings, the matter was sent for arbitration and arbitral award was prepared, which has now been challenged in Misc. Case No.10 of 2016 and Misc. Case No.11 of 2016, which is pending before the District Judge, under Section 34 of the Arbitration and Conciliation Act. It is further submitted that the State Transport Corporation is also a



party to the same and as such, there can be no parallel proceedings for the said demand, which was made by the B.S.R.T.C. and which is now the subject-matter of disputes before the court below.

As such, without going into the merits of the writ application, this Court directs and disposes of the matter that the parties shall now submit themselves to the jurisdiction of the court below for seeking appropriate relief(s).

With the aforementioned observation, the present writ application stands disposed of.

(Anjana Mishra, J)

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