

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8986 of 2017

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1. Om Prakash S/o Late Ram Prasad Singh, Prop. of M/S Om Rice Mill, R/o Vill-Rishiyap P.S.-Rishiyap, Dist.-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Civil Supply Govt. of Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.
3. The District Magistrate, Aurangabad.
4. The District Manager, Bihar State Food Corporation, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-07-2017

Heard the parties.

In the present writ petition, petitioner is claiming for quashing the entire certificate proceeding including the order dated 4.3.2016 passed in Certificate Case No.37 of 2014-15 by which he has passed the final order.

Grievance has been raised by the petitioner that Certificate Officer while passing the order against him has not looked upon the objection filed by him nor he has adjusted the amount which he has already deposited against the demand of Rs, 21,12,667/-. Inasmuch as he has further stated that till filing of the interlocutory application he was not supplied the certified copy



though he has filed an application. In support of his contention he has attached the application but no order was supplied then the present application in which he has made a prayer for quashing the entire proceeding.

Final order has been passed which has been challenged by filing interlocutory application vides I.A. No.5050 of 2017. In the objection petition the petitioner has claimed that he is entitled an amount money by way of transportation, handling and milling charges which requires adjustment. Further the amount which he has already been deposited by the petitioner has not been adjusted against the payment.

Learned counsel for BSFC submits that though he has stated about transportation, handling and milling charges but he has not given the details of amount and its break up inasmuch as has not attached any document to substantiate his claim.

Having considered the rival contentions of the parties, it is not disputed that petitioner has deposited Rs.4,60,000/- to BSFC which requires adjustment against the total amount. So far details of claim of transportation, milling and handling charges though in the objection it is not fairly worded but averment has been made of adjustment of transportation, handling and milling charges.



In such circumstances, the petitioner, if so advised, may file supplementary show cause giving details of his claim under the heading for transportation, milling and handling charges along with supporting documents. If the petitioner attached those documents, the Certificate Officer, Aurangabad will be obliged to consider the same but certainly there will be adjustment of Rs,4,60,000/- which he has deposited.

Accordingly the impugned order dated 4.3.2016 passed in Certificate Case No.37 of 2014-15 is set aside and matter is remanded back. While passing the order the Certificate Officer must consider points raised by the petitioner in the objection petition and additional objection petition, if any, filed by him.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.8.2017
Transmission Date	NA

