

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10161 of 2017

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Sanjay Kumar, Son of Lal Mohan Prasad, resident of Village- Upraha, P.O. +
P.S.- Uphara, District- Aurangabad.

.... Petitioner/s

Versus

1. The Food and Consumer Protection Department through its Principal Secretary,
Bihar at Patna.
2. The State of Bihar through District Magistrate, District- Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D.
Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Aurangabad, District- Aurangabad.
5. The District Certificate Officer, Aurangabad, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5
For the BSFC : Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-07-2017

Heard learned counsel for the petitioner and counsel for the
State.

In this case, a proceeding of recovery has been initiated in
Certificate Case No. 25/2014-15. The order-sheet commenced from
29.8.2014 which shows that notice was issued under Section 7.

Learned counsel for the petitioner submits that he has filed the
objection but, the order-sheet does not disclose that ever the office has
received the objection filed by the petitioner. When the petitioner has not
cooperated, the warrant of arrest was issued against him but, was not
executed but, by that time, vide 16.12.2015, a fresh amended requisition
was received by the Certificate Officer and it was directed to issue notice to
the petitioner and directed him to deposit the money within a period of
thirty days but, when the petitioner did not deposit the amount, in question,



on 32nd day i.e. on 18.01.2016, fresh body warrant was issued against the petitioner.

Learned counsel for the petitioner submits that he has not received the notice as yet and, as such, he could not file the objection. When the petitioner obtained the certificate copy of the order-sheet then he could know that the amended requisition has been received by the Certificate Officer and he has not filed any objection thereafter.

In view of the aforesaid statement, let the petitioner should file an objection within a period of three weeks from today, if he fails to file the objection, the objection of the petitioner will not be entertained. If he files the objection within the aforesaid period of three weeks, the same will be given to the B.S.F.C. which, within the same period, will file its reply, whereafter, the Certificate Officer will fix the date of hearing for both side and after hearing both the parties will pass a reasoned order in accordance with law.

In the meantime, the body warrant issued against the petitioner will be kept in abeyance.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
Transmission Date	NA

