

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18116 of 2016

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Dhirendra Kumar Singh Son of Sri Shanker Dayal Singh Proprietor M/S Kumar Rice Mill, Resident of Village Chhotaka Bahera, P.S. Amas, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply, Govt. of Bihar, Patna.
2. District Magistrate-cum-Collector, Gaya.
3. Certificate Officer, Gaya.
4. Sub-Divisional Magistrate, Sherghati, Gaya.
5. Bihar State Food and Civil Supply Corporation Limited through its Managing Director, Bihar State Food and Civil Supply Corporation Limited, Patna.
6. District Manager, State Food Corporation, Gaya.
7. Assistant Manager, State Food Corporation, Sherghati, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Adv.
For the State	:	Mr. Maruth Nath Roy, AC to SC-4
For the Corporation	:	Mr. Aditya Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-07-2017

Heard learned counsel for the parties.

In this case, the petitioner has raised a grievance that he has furnished the bank guarantee of Rs. 7,15,000,00/- whereas the liability as against him is 3,48,44,872.65/-.

Earlier the petitioner had moved before this Court in CWJC No. 3616 of 2015 and this Court had directed the petitioner to file a detailed representation before the Managing Director and also directed the Managing Director to examine the matter and if it is found that the petitioner has already furnished the bank guarantee of the aforesaid amount, after reconciliation of the amount, the respondent authority would return the rest amount to the petitioner but, the Certificate Officer, while passing



the final order against the petitioner, did not consider the issue of bank guarantee.

In such view of the matter, till the disposal of the application before the Managing Director, the order passed by the Certificate Officer should be kept on hold, after the decision whatever amount is found due against the petitioner, he would pay the same and vice-versa if it is found that the Corporation has to return the amount.

If the order goes against the petitioner or partly in his favour and partly in favour of the Corporation, in such circumstances, the petitioner will have a liberty to approach again to the Certificate Officer for modification of the order. Accordingly, the Certificate Officer would revisit his order and pass fresh order.

Till disposal of the application before the Managing Director, the order passed by the Certificate Officer shall be kept on hold and no coercive action will be taken against the petitioner by the Corporation till disposal of the matter by the Managing Director.

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

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2017
Transmission Date	NA

