

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13434 of 2015

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1. Manoj Kumar Proprietor of Athari PACS Rice Mill son of Sri Ram Babu Sharma resident of village- Athari ,Ps. Runni Saidpur District Sitamarhi, at present residing at Rasalpur Jilani P.s Kaji Mohammadpur ,District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Food & civil Supply ,Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Ltd. through District managing Director , Sone Bhawan, Vir Chand Patal path Patna.
3. The District magistrate, Sitamarhi.
4. The District Manager, State Food & Civil Supply Corporation Ltd. Sitamarhi
5. The District Certificate officer, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the BSFC : Mr. Shailendra Kumar Singh
For the State : Mr. Sita Ram Yadav, GP.16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the petitioner and learned counsel for the BSFC as well as the State.

In the present case, petitioner is challenging the order dated 8.7.2015 passed by District Certificate Officer, Sitamarhi in Case No. 18 of 20914-15.

Learned counsel for the petitioner submits that already arbitration proceeding has been initiated. In the meantime, the Certificate Officer on account of non-compliance of its order has issued body warrant.



From the record it appears that the Bihar State Food and Civil Supply Corporation has taken steps for recovery of the outstanding dues under the Public Demands Recovery Act and Certificate Officer has directed to deposit Rs. 50,12,058.69. Admittedly petitioner has not deposited the said amount in consequence coercive measure has been taken.

Learned counsel for the petitioner submits that on account of arbitration the said order should be put in abeyance. This argument is not acceptable. Under the agreement three modes have been provided for recovery of outstanding dues; first under the Public Demands Recovery Act, second to file a criminal case as well as arbitration. The petitioner has opted for arbitration and it does not mean that the order of Certificate Officer will be kept in abeyance.

There is provision for appeal. The petitioner, if so advised, may file an appeal before the appellate authority within a period of 30 days from today. If he files appeal within the aforesaid period, the authority will not take coercive action against the petitioner but if he fails to file the appeal in terms of Section 60 of the Public Demands Recovery Act, in such circumstances, the Certificate Officer, Sitamarhi will be at liberty to take action against the petitioner in accordance with law.



With the aforesaid observation this writ petition is disposed
of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.10.2017
Transmission Date	NA

