

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9637 of 2016

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1. Deepak Kumar son of Sheoshankar Prasad Proprietor of M/s Pragati Udyog Rice Mill, Resident of Naya Tola Riga Road, Ward No.2, Sitamarhi, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Collector Sitamarhi, District Sitamarhi.
2. District Certificate Officer Sitamarhi.
3. The Bihar State Food & Civil Supplies Corporation Limited through the District Manager, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Lal
For the BSFC : Mr. Nirmal Kumar
For the State : Mr. Akhileshwar Singh, AC to Ga 2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-10-2017

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

In the present case, petitioner is challenging the order dated 27.6.2015 passed by the District Certificate Officer, Sitamarhi in Certificate Case No.19 of 2014-15 by which order has been passed for recovery of Rs. 44,70,278.89.

The petitioner is a miller and was allotted the paddy measuring 7916.00 quintals. As he has not delivered 67% rice a proceeding under PDR Act has been initiated for recovery of amount of Rs. 44,70,278.89. Final order has already been passed on 27.6.2015 and in stead of moving for appeal the petitioner has



approached this Court that too after one year.

Learned counsel for the petitioner submits that he has already deposited Rs. 36 lacs out of standing dues of Rs. 44,70,278.89.

There is provision for appeal. The petitioner, if so advised, may file an appeal before the appellate authority within a period of four weeks from today in terms of Section 60 of the Public Demands Recovery Act and while deciding the matter the appellate authority will take into consideration about factual aspect of depositing of Rs.36 lacs. If he files an appeal within the aforesaid period, in such circumstances, no coercive action will be taken against the petitioner but if he fails to file the appeal the interim relief extended to him will be treated to have been canceled.

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

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.10.2017
Transmission Date	NA

