

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12453 of 2017

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Ram Niwas Sharma, Son of Gyan Datt Sharma, Prop. Of M/s Ramniwash Rice Mills, Resident of Village- Dumra, P.S.- Konch, District- Gaya.

.... Petitioner

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Bihar at Patna.
2. The State of Bihar through District Magistrate, District- Gaya.
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, Gaya, District- Gaya.
5. The District Certificate Officer, Gaya, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the State : Mr. Alok Ranjan, A.C. to A.A.G.-5
For the B.S.F.C. : Mr. Nirmal Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-09-2017

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

2. In this case, the petitioner is challenging the order dated 05.02.2015 passed in Certificate Case No.3 of 2014-15.

3. Learned counsel for the petitioner submits that while deciding the case of the petitioner the Certificate Officer has not



taken into consideration the amount which the petitioner is entitled against the B.S.F.C. inasmuch as he has also pointed out the defect in initiation of certificate proceeding. He has placed reliance on the order passed by this Court in C.W.J.C. No. 9197 of 2017 and C.W.J.C. No.11363 of 2017.

4. In the present case, the petitioner is challenging the final order, which has been passed in the year 2015 and raising the point that the certificate is not correctly framed. The petitioner could have raised this issue before the Certificate Officer, which he has not done so. When the final order has been passed, now the petitioner is raising of this point.

5. In such view of the matter, let the petitioner file an appeal before the appellate authority along with the petition for condonation of delay within a period of four weeks from today. While considering the limitation petition, the appellate authority will consider the pendency of this case before this Court and dispose of the case on the merit in accordance with law.

6. Till four weeks from today, no coercive action will be taken against the petitioner. If the petitioner fails to file the appeal along with condonation petition within the aforesaid period of four



weeks, in such circumstance, the interim relief granted in favour of the petitioner will be treated to have been withdrawn.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	18.09.2017
Transmission Date	N/A.

