

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15506 of 2017

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Chhote Lal Prasad Son of Late Basudeo Prasad, resident of Chandan Nagar,
Gulab Bagh, P.S. Sadar, District - Purnea, Proprietor of M/S Vivek Mini Rice
Mill, Purnea.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply, Patna.
2. The District Magistrate, Madhepura.
3. The Superintendent of Police, Madhepura.
4. The Certificate Officer, Madhepura.
5. The Deputy Superintendent of Police, Madhepura.
6. The District Manager, Bihar State Food and Civil Supply Corporation,
Madhepura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate
For the Respondents : Mr. Upendra Pratap Singh, AC to SC4
For the BSFC : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-11-2017

The present writ petition has been filed for quashing the Certificate Case No. 11 of 2014-15 which has been initiated against the petitioner on the basis of certificate which forms part of section-7 and, Requisition (form-2) have not been served to the petitioner and non-issuance of Certificate i.e. Form-1 which is contrary to the statutory rules of Public Demand Recovery Act, 1914 (hereinafter referred as "PDR Act") as amount is disputed, thus amount to defective initiation of the Certificate case; and for connected reliefs.

2. At the very outset, learned counsel for the petitioner submits that rather than prolonging the litigation, the petitioner is interested in settling the matter and making payment of the



outstanding dues after proper calculation of the same. It is submitted that as against the certificate drawn for an amount of Rs. 27,68,712/-, the petitioner claims to have paid Rs. 5,34,000/- . It is further stated that an amount of Rs. 9,36,811/- by way of transporting, handling, milling and other charges is due to him and requires to be adjusted against the outstanding amount.

3. Learned counsel for the respondent-BSFC appears and has been heard. It is stated that the petitioner's objection petition has been disposed of and he is liable to make payment of the outstanding amount.

4. Having regard to the stand of the petitioner and in the interest of justice, this Court directs the respondent-Corporation to consider the claim of the petitioner with reference to the bill for Rs. 9,36,811/- said to be pending before it and take a final decision in that regard, after grant of an opportunity of hearing to the petitioner, within a period of four weeks from today. Accordingly, the final amount found to be outstanding shall be deposited by the petitioner in six equal monthly installments, the first one by 31st November, 2017 followed by 31st December, 2017; 31st January, 2018; 28th February, 2018; 31st March, 2018; and 30th April, 2018. In the meantime, further proceeding of Certificate Case No. 11 of 2014-15 shall remain in abeyance and shall stand quashed upon the entire amount of the dues being paid by the petitioner as above. In case of default in payment, the



Certificate Officer shall be at liberty to proceed for recovery of the remaining amount in the said certificate case.

5. This judgment is passed on the basis of the undertaking of the petitioner. The petitioner further undertakes that he would withdraw Request Case No. 240 of 2017 (*Chhote Lal Prasad Vs. The Managing Director, Bihar State Food & Civil Supply Corporation Limited & Anr.*) which has been filed by the petitioner.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.11.2017
Transmission Date	N.A.

