

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18128 of 2016

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Om Prakash Rajgaria S/o Late Radhe Shyam Rajgaria, Proprietor of Mill Owner
of M/s Goyal Rice Mill Resident of Mohalla - Shashtri Chowk, P.S. Banka, Distt.
Banka

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department,
Government of Bihar, Patna
2. The District Magistrate, Banka
3. The District Manager, State Food Corporation Banka
4. The Certificate Officer, Banka

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Sinha, Advocate.
For the State : Mr. Arvind Ujjwal, SC-4
For the BSFC : Mr. Niraj Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

The present writ petition has been filed for quashing the
Certificate Case No. 20 of 2014-15 pending before the Certificate
Officer, Banka for recovery of Rs. 38,86,487/-; and for connected
reliefs.

2. At the very outset, learned counsel for the petitioner
refers to the judgment of this Court in Request Case No. 12 of 2018
which has been allowed by order dated 02.02.2018, the learned
Arbitrator has already been appointed for resolving the dispute
between the parties.

3. Learned counsel for the respondents also accepts this
position.



4. Having heard learned counsel for the parties and in view of the fact that the dispute between the parties has been allowed to be considered in the forum of arbitration, it is no longer necessary to enter into the merits of the present writ petition. The parties will be free to raise all issues before the learned Arbitrator at the appropriate stage.

5. In the interest of justice, this Court directs that the Certificate Officer shall not resort to any coercive action against the petitioner for recovery of the dues against the petitioner in Certificate Case No. 20 of 2014-15 until resolution of the dispute by the learned Arbitrator.

6. The writ petition stands disposed of on the aforesaid terms.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.04.2018
Transmission Date	N.A.

