

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14355 of 2015

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M/s Purna Laxmi Rice Mill, through its proprietor namely, Ashok Biswas
resident of Surjapur, District - Uttar Dinajpur (WB).

.... Petitioner

Versus

1. The State of Bihar through Collector, Kishanganj.
2. The Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Food & Civil Supply Corporation, Bihar, Patna.
4. The District Certificate Officer, Kishanganj.
5. The District Manager, Bihar State Food & Civil Supply Corporation, Kishanganj.

.... Respondents

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Appearance :

For the Petitioner : None

For the Respondents : Mr. Sunil Kr. Mandal, SC 3
Mr. Arjun Prasad, AC to SC 3

For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2018

The present writ petition has been filed for quashing of the Certificate Case No. 04/2014-15 pending in the court of the Certificate Officer, Kishanganj; as also the notice dated 04.08.2014 issued under Section 7 of the Bihar & Orissa Public Demand Recovery Act (hereinafter referred to as "PDR Act") by the Certificate Officer, Kishanganj for recovery of Rs. 1,34,31,070.50 paise.

2. None appears on behalf of the petitioner despite calls being repeated after an interval.

3. A perusal of the averments made in the writ petition and



paragraph 8 thereof, in particular, discloses that the main ground for challenge to the certificate proceeding is that the petitioner's earlier writ petition bearing CWJC No. 9396 of 2014 was admitted for hearing by order dated 17.06.2014 to be heard along with CWJC No. 13746 of 2013 (*Sone Valley Rice Mill Vs. The State of Bihar & Ors*).

4. Learned counsel for the respondent-Corporation appears and opposes the writ petition, submitting that Sone Valley Rice Mill's case (*supra*) with which the petitioner's CWJC No. 9396 of 2014 was directed to be heard, related to the procurement year 2011-12. However, the agreement between the parties relating to the instant certificate case discloses that it pertains to procurement year 2012-13 in which there was a specific clause for recovery of the dues by resort to the provisions of the PDR Act. It is therefore submitted that Sone Valley Rice Mill's case is distinguishable and cannot come to the aid of the petitioner in the instant case.

5. Having regard to the nature of the grievance of the petitioner and the stand of the respondents, this Court finds the writ petition to be devoid of merit. The subject agreement (Annexure-1) clearly states that the matter relates to the procurement year 2012-13 and paragraph 15 of the agreement contains clause for recovery under the PDR Act.

6. The writ petition is accordingly disposed of granting



liberty to the petitioner to file an objection petition under Section 9 of the PDR Act before the District Certificate Officer, Kishanganj (respondent no. 4) within a period of four weeks, if not already filed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
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