

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16562 of 2016

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Braj Deo Ray Son of Late Basudeo Ray resident of Village- Siswa, P.S.- Raxaul,
District- East Champaran, Proprietor of M/s Dewa Rice Mill, Motihari, East
Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, New Secretariat, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna.
3. The District Manager, State Food Corporation Limited, East Champaran.
4. The District Magistrate, East Champaran at Motihari.
5. The Certificate Officer, East Champaran at Motihari

.... Respondents

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Appearance:

For the Petitioner : Mr. Anuj Kumar, Advocate.

For the Corporation : Mr. Shailendra Kumar Singh
Mr. Lalmani Sharan, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

As prayed, learned counsel for the petitioner is permitted to implead the Certificate Officer, East Champaran at Motihari as respondent no. 5 in course of the day.

2. The present writ petition has been filed for quashing the Certificate Case No. 12 of 2014-15 pending before the Certificate Officer, East Champaran at Motihari for recovery of Rs. 43,00,597.61; and for connected reliefs.

3. At the very outset learned counsel for the petitioner refers to the judgment of this Court stating that Request Case No. 159 of 2017 filed by the petitioner has been allowed by this Court by judgment dated 20.09.2017 and learned Arbitrator has been appointed for resolving the dispute between the parties.

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



5. 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 state.

6. 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. 12 of 2014-15 until resolution of the dispute by the learned Arbitrator.

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

(Vikash Jain, J)

Md. Ibrarul/Chandran

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

