

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5963 of 2016

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Abhay Singh, Son of Ram Surith Singh, R/o- Village- Baroon, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, District- Aurangabad.
2. The District Magistrate, Aurangabad, District- Aurangabad.
3. The Bihar State Food Civil Supplies Corporation Limited through its M.D. Bihat at Patna.
4. The District Manager, Bihar State Food Civil Supplies Corporation Limited, Aurangabad, Distt. Aurangabad.
5. The Store- in-Charge, State Food Civil Supplies Corporation Limited , Barun-1, P.S.- Barun, District- Aurangabad.
6. The Certificate Officer, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For the Respondent/s : Mr. Ajay Kr. Rasogi
For BSFC : Mr. Shailendra Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2018 The learned counsel for the parties are in agreement that the subject matter of the dispute in question arises out of an agreement from which the certificate proceedings as also the arbitration proceedings have arisen, hence till disposal of the arbitration proceedings which is pending before Sri Sunil Kr. Singh (Retd. District Judge), the order dated 07.09.2015 passed by the Certificate Officer is required to be stayed.

In view of the submissions made by the respective counsel for the parties as also the settled law to the effect that when an adjudication of dispute in accordance with law is pending



before the appropriate forum, coercive steps for recovery of the outstanding amount cannot be permitted, I deem it fit and proper to stay the order dated 07.09.2015 passed by the Certificate Officer, Aurangabad in certificate case no. 52 of 2014-15 till the disposal of the Arbitral proceedings.

It may be mentioned that the learned counsel for the petitioner has undertaken that the petitioner would deposit the outstanding dues as per the order dated 07.09.2015 passed by the Certificate Officer, Aurangabad forthwith, in case the award is not made in favour of the petitioner by the aforesaid learned Arbitrator.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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