

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13153 of 2016

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Rajesh Kumar Son of Radhey Shyam Singh, proprietor of M/s Paras Rice Mill, resident of Village- Lalapur, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The Principal Secretary, State Food And Civil Supplies Department, Bihar, Patna.
2. The State of Bihar through District Magistrate, District- Kaimur (Bhabhua).
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Kaimur (Bhabhua), District- Kaimur (Bhabhua).
5. The District Certificate Officer, Kaimur (Bhabhua), District- Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh
For the Respondent/s : Mr. S.Raza Ahmad-Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2018 The learned counsel for the petitioner submits that the certificate case arises out of the same agreement out of which the abitral proceedings have arisen. The learned counsel for the petitioner further submits that the petitioner had approached this Court, in terms of the agreement, for appointment of an Arbitrator vide Request Case No. 271 of 2017 and this Court has appointed an Arbitrator for conducting the arbitral proceeding. Thus, it is the submission of the learned counsel that the further proceeding of the certificate case be stayed during the pendency of the arbitral proceedings.

Having regard to the facts and circumstances of the



case as also the well settled proposition of law to the effect that during the pendency of the statutory remedy being availed of, no recovery proceedings can be resorted to, this Court deems it fit and proper to direct that the further proceedings of Certificate Case No. 82 of 2014-15, pending before the Certificate Officer, Kaimur, shall remain in abeyance till the passing of the final Award by the learned Arbitrator in the Arbitral proceedings.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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