

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22397 of 2013

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M/S Rai Bahadur Hardat Ray Motilal Chamariya, Jute Mill (in short M/S R.B.H.M.), Katihar, a unit of National Jute Manufactures Corporation Ltd. (A Government of India undertaking) through its Chief Executive Officer

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna
2. The Special Secretary, Department of Industries, Government of Bihar, Patna
3. The Administrator, Bihar State Agriculture Produce Marketing Board, Bihar, Patna
4. The Sub-Divisional Officer-cum-Special Officer, Bihar State Agricultural Produce Marketing Board, Katihar
5. The District Certificate Officer, Katihar
6. The Secretary, Agriculture Produce Market Committee, Katihar, District-Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. M.K. Jha,
Mr. Bhola Prasad, Advocates

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

The present writ petition has been filed for the following
reliefs –

“(i) For issuance of a writ of certiorari, quashing the certificate case No. 01 to 19/2004-05 which has been filed by the Secretary, Agriculture Produce Market Committee, Katihar for recovery of Rs. 2,46,06,484/- against the officials of National Jute Manufactures Corporation Ltd. in as much as pursuant to the order of the Agriculture Department, Bihar Rs. 1,23,03,242.10 has been deposited and revival package for the unit was approved and further no certificate case can be



initiated against the officials for recovery of the said amount.

(ii) For issuance of a writ of certiorari, quashing the order dated 25.8.2008 passed in Certificate case No. 01 of 2004-05 whereby the Company has been directed to pay the remaining amount of Rs. 1,23,03,242.10/-.

(iii) For issuance of a writ of mandamus directing and commanding the Respondents concerned to consider the claim of the petitioner for waiver of dues penalty for Rs. 1,23,03,242.10/- for which an application has been filed lastly on 18.10.2013 in as much as a revival package for this unit was approved by B.I.F.R. on 31.03.2011 in which the waiver of the above penalty is also considered apart from other relief from Bihar Government and other institution.

(iv) And/or for any other relief/reliefs to which the petitioner is found to be entitled in the facts and circumstances of this case.”

2. None appears on behalf of the respondents despite repeated calls.

3. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 01 to 19/2004-05 initiated against the petitioner under the provisions of the Bihar & Orissa Public Demands recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 2,46,06,484/- are wholly illegal and liable to be quashed.

4. It is further submitted that an objection petition under



Section 9 has already been filed which is still pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with a direction to the District Certificate Officer, Katihar (respondent no. 5) to consider and dispose of the objection petition (Annexure-6), if still pending, on its own merits within a period of four weeks from the date of the receipt of this judgment in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such objection petition, if still pending, the Certificate Officer, Katihar shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 01 to 19/2004-05.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2018
Transmission Date	N.A.

