

aIN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18580 of 2015

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Sanjay Kumar son of Sri Ram Khilawan Singh, Proprietor M/s Prem Vijay Rice Mill Kumbhi, resident of Village- Kumbhi, P.S. Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Nawada.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation, District- Nawada.
5. The Certificate Officer, Nawada.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18949 of 2015

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Sanjay Kumar Son of Sri Geeta Prasad Singh, the proprietor of Dhanraj Rice Mill Warsaliganj, the resident of village - Mafi, Police Station - Warsaliganj, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nawada.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation, District - Nawada.
5. The Certificate Officer Nawada.

.... Respondent/s

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Appearance :

(In CWJC No.18580 of 2015)

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the State : Mr. Pankaj Kumar Singh, AC to SC 14

(In CWJC No.18949 of 2015)

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the State : Mr. Pankaj Kumar Singh, AC to SC 14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT



Date: 31-08-2018

These writ petitions have been filed for quashing the Certificate proceedings initiated against the petitioners and notices issued under Section 7 of the Bihar and Orissa Public Demands Recovery Act (for short ‘the PDR Act’) for recovery of the amounts mentioned in the respective certificate case without ascertaining the same in arbitration proceedings in terms of Clause 16 of the Agreement between the parties.

2. Leaned counsel for the petitioners submits that the recovery proceedings against the petitioners are wholly arbitrary and illegal inasmuch as the amount sought to be recovered had to be ascertained in Arbitration proceeding in terms of Clause 16 of the agreement between the parties.

3. Learned counsel for the respondents-Corporation states on instruction that the pending arbitration proceedings have been concluded and the dispute with regard to the recoverable amount has since been resolved.

4. Having regard to the stand of the respondents-Corporation these writ petitions are disposed of with liberty to the petitioners to approach the Certificate Officer with their objection petition under Section 9 of the PDR Act.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

