

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12504 of 2015

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M/s Maa Vindhyavasini Rice Mill through its proprietor Arvind Singh son of Ram Kumar Singh, resident of village - Narayanpur, Police Station - Agiaon, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Birchand Patel Marg, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhojpur at Ara.
4. The District Certificate Officer, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Kumar Jha, Advocate
For BSFC : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Suresh Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Corporation.

2. The present petition has been filed for giving direction to the concerned respondents- authorities (particularly respondent no.-4) to serve notice along with demand letter showing details of claims under Section 7 of the Bihar & Orrisa Public Demand Recovery Act, 1914 (for short, “the Act”) of certificate proceeding bearing Certificate Case No.-22/2014-15 within reasonable time to the petitioner and further, allow the petitioner to



submit its explanation/objection under Section 9 of the Act with regard to fixation of his civil liability to be shown in such notice before the concerned certificate officer, Bhojpur at Ara.

3. Learned counsel for the petitioner submits that the respondent-Certificate Officer has arbitrarily proceeded in Certificate Case No.22 of 2014-15 and issued distress warrant without, however, serving a notice under Section 7 of the Act and thereby denying the petitioner an opportunity of filing its objection petition under Section 9 of the Act.

4. Pursuant to the order dated 30.08.2018 passed by this Court, the respondents have produced the original records of the certificate case. From perusal of the notice under section 7 of the PDR Act, it prima facie appears that the same has been received by the proprietor of the petitioner-firm as acknowledged on the reverse side of the notice. The service report of the notice served has also been endorsed thereunder with the date given as 19.01.2015 which corresponds to the entry in the order sheet of the Certificate Officer.

5. In the above circumstances, the writ petition is disposed of granting liberty to the petitioner to file an objection petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer, Bhojpur at Ara (Respondent no.4) on its own



merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Bhojpur at Ara shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 22 of 2014-15.

7. The petitioner shall be at liberty to request for detailed calculation of the demand raised which shall accordingly be supplied to enable him to file a meaningful objection.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-09-2018
Transmission Date	N/A

