

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7372 of 2016

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M/s Laxmi Enterprises through its proprietor Shankar Prasad Sah Son of Sukhdev Sah resident of Village- Makrandih P.S. - Rajaun District- Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies Govt. of Bihar, Patna.
3. The District Magistrate, Banka
4. The Managing Director, Bihar State Food Corporation, Patna.
5. The District Manager, Bihar State Food Corporation, Patna.
6. The Certificate Officer, Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate
For the State : Mr. Manish Kumar, AC to AAG 6
For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

The present writ petition has been filed for quashing the Certificate Case No. 18 of 2014-15 pending before the Certificate Officer, Banka for recovery of Rs. 14,07,614/-; and for connected reliefs.

2. At the very outset learned counsel for the petitioner refers to the judgment of this Court in Request Case No. 36 of 2018 which has been allowed by order dated 09.02.2018, the learned Arbitrator has already been appointed for resolving the dispute between the parties.

3. Learned counsel for the respondents also accepts this position.

4. Having heard learned counsel for the parties and in view



of the fact that the dispute between the parties has been allowed to be considered in the forum of arbitration, it is no longer necessary to enter into the merits of the present writ petition. The parties will be free to raise all issues before the learned Arbitrator at the appropriate stage.

5. In the interest of justice, this Court directs that the Certificate Officer shall not resort to any coercive action against the petitioner for recovery of the dues against the petitioner in Certificate Case No. 18 of 2014-15 until resolution of the dispute by the learned Arbitrator.

6. The writ petition stands disposed of on the aforesaid terms.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.04.2018
Transmission Date	N.A.

