

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11778 of 2015

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M/s Goeit Rice Mill ,a Proprietorship Firm, having its Place of Business at village Chainpur , P.O. Bhagwanpur Bazar,Block & P.S. Adapur ,District East Champaran, through its Proprietor, Rakesh Kumar Yadav Son of Shri Chandrika Prasad Yadav resident of Village Chainpur, P.O. Bhagwanpur Bazar ,Block & P.S. Adapur, District East Champaran.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation, limited, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna, through its Managing Director
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd. Lakhisarai.
5. The Collector -cum-District Magistrate, Sitamarhi.
6. The District Certificate Officer, Sitamarhi.

.... Respondents

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Appearance:

For the Petitioner : Mr. K.M.Mishra, Adv
For the BSFC : Mr. Shailendra Kumar Singh, Adv
For the Respondents : AAG 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-03-2018

The present writ petition has been filed for quashing the Certificate Case No. 15 of 2013-14 pending before the Certificate Officer, Sitamarhi for recovery of Rs. 2,35,97,956/-; and for connected reliefs.

2. At the very outset learned counsel for the petitioner refers to Interlocutory Application No. 1996 of 2018 stating that Request Case No. 2 of 2018 filed by the petitioner has been allowed by this Court by order dated 02.02.2018, as evident from Annexure-7 to the Interlocutory Application.

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. 15 of 2013-14 until resolution of the dispute by the learned Arbitrator.

6. The writ petition and the Interlocutory Application stand disposed of on the aforesaid terms.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	NA

