

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8181 of 2015

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M/s Anand Rice Mill, Proprietor Madan Sah, Son of Late Shankar Sah, Reident
of Village- Motihat, P.S- Barahat, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply
Department, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Bihat State Food and Civil Supply Corporation Ltd, Bihar, Patna.
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd,
Banka, District- Banka.
5. The Certificate Officer, Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate.

For the Respondents : Mr. Satya Deo Kumar, SC-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-04-2018

The present writ petition has been filed for quashing the
Certificate Case No. 10/2014-15 pending before the Certificate Officer,
Banka for recovery of Rs. 40,69,650/-; and for connected reliefs.

2. At the very outset, learned counsel for the petitioner
states that Request Case No. 45 of 2018 filed by the petitioner has been
allowed by this Court by order dated 09.02.2018, as evident from the
details of case status.

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. 10/2014-15 until resolution of the dispute by the learned Arbitrator.

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

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.05.2018
Transmission Date	N.A.

