

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4934 of 2018

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Md. Basharat Husain, son of Md. Ismaeel, Proprietor of M/s Atika Rice Mill,
resident of Village- Khiripaghar, P.S.- Barahat, District- Banka.

.... Petitioner

Versus

1. The Food and Consumer Protection Department through the Principal Secretary, Bihar at Patna.
2. The State of Bihar through District Magistrate, District- Banka.
3. The Bihar State Food and Civil Supplies Corporation Limited through its M.D., Bihar at Patna.
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Banka, District- Banka.
5. The District Certificate Officer, Banka, District- Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the Respondents : Mr. Alok Ranjan, AC to AAG5
For the State : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

The present writ petition has been filed for quashing the Certificate Case No. 45 of 2014-15 pending before the Certificate Officer, Banka for recovery of Rs. 1,25,71,119/-; 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. 08 of 2018 which has been allowed by order dated 02.02.2018, 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, Banka shall not resort to any coercive action against the petitioner for recovery of the dues against the petitioner in Certificate Case No. 45 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	02.04.2018
Transmission Date	N.A.

