

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2077 of 2018

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Deo Kumari Kapri @ Deo Kumar, Son of Arvind Kumar Kapri, Proprietor of
M/s Maa Bhawani Rice Mill, Resident of Village-Daliya Bounsi, P.S.-Bausi,
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 Magistrate, Bihar State Food and Civil Supplies Corporation Limited, Banka, District-Banka.
5. The District Certificate Officer, Banka, District-Banka

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv
For the State	:	Mr. Alok Kumar, Adv
For the BSFC	:	Mr. Sanjeev Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2018

The present writ petition has been filed for quashing the Certificate Case No. 13 of 2014-15 pending before the Certificate Officer, Banka for recovery of Rs. 89,51,602/-; and for connected reliefs.

2. At the very outset learned counsel for the petitioner refers to the first supplementary affidavit, stating that Request Case No. 40 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 (Annexure-9).

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. 13 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2018
Transmission Date	NA

