

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19675 of 2013

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M/S Sharda Chitra Mandir having its place of Business at Swami Vivekanand Road, P.S. - Adampur, District - Bhagalpur through its Proprietor Virendra Kumar Singh Son of Late Surendra Prasad Singh Resident of Naya Bazar P.S. - Tetarapur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Secretary, Ministry of Urban Development Govt. of Bihar, New Secretariat, Patna
3. The Secretary, Bihar State Power Holding Company (Formerly known as Bihar State Electricity Board) Vidyut Bhawan Bailey Road, Patna
4. The General Manager Electrical Cum Chief Engineer, Bihar State Power Holding Company, Regional Office, Mayaganj, Barari, Bhagalpur
5. The Electrical Executive Engineer, Bihar State Power Holding Company, Urban Supply Circle, Mojahidpur, Bhagalpur
6. The Assistant Electrical Engineer, Bihar State Power Holding Company, Urban Supply Circle, Mojahidpur Bhagalpur
7. The Certificate Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra, Adv
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Adv
Mr. Vijay Kumar Verma, Adv
Mr. Akhileshwar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 49/2000-01 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, "the Act") for recovery of the dues amounting to Rs.



4,49,943.47 are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 4,49,943.47 recoverable in terms of the notice dated 23.03.2011 issued by the District Certificate Officer, Bhagalpur in Certificate Case No. 49/2000-01.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of with direction to the District Certificate Officer to consider and dispose of the objection petition under Section 9 of the PDR Act said to have been filed by the petitioner, on its own merits in accordance with law and in terms of Section 10 of the said Act within a period of four weeks from the date of receipt/production of a copy of this judgment.

6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Bhagalpur shall refrain from resorting to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 49/2000-01.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

