

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15769 of 2017

Subodh Kumar Kesri Son of Late Nathuni Nandan Kesri Proprietor M/s
Bhawani Mini Rice Mill, Pararia, P.S. Nawanagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Certificate Officer, Buxar.
3. District Manager, Bihar State Food and Civil Supply Corporation Ltd.
Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Chandra Verma, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG 5
	:	Mr. Anisul Haque, Ac to AAG 5
For BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-11-2019 In view of the judgment of the Hon'ble Division Bench of this Court in L.P.A. No. 1083 of 2017 and L.P.A. No. 1874 of 2016 as also in Civil Review No. 150 of 2015, if the dispute with respect to the claim is pending consideration before the learned Arbitrator, no coercive action may be taken against the certificate debtor/petitioner.

In this case learned counsel for the petitioner has submitted before this Court that an arbitration proceeding is pending before the learned sole Arbitrator namely Hon'ble Mr. Justice Dharnidhar Jha (Retired) and the arbitration proceeding is going on.



Learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. has submitted that the impugned order as contained in Certificate Case No. 03/2016-2017 was passed on 03.07.2017.

Be that as it may, since an arbitration proceeding is already pending in respect of the dispute between the parties, the petitioner may file an appropriate application under Section 17 of the Arbitration and Conciliation Act, 1996 before the learned arbitral tribunal for any interim relief.

For a period of 30 days from today in order to enable learned counsel for the petitioner to seek his remedy before the learned Arbitrator, the execution of the distress warrant issued against the petitioner is hereby stayed.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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