

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17897 of 2019

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Rajeev Kumar @ Rajeev Ranjan Son of Rajeswar Prasad Singh, Proprietor
M/s Rajeev Rice Mill, Naubatpur, Resident of Village- Korawan Sadan,
Naubatpur, P.O. and P.S.- Naubatpur, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, New Secretariat, The State of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Certificate Officer-cum-Sub-Divisional Officer, Danapur.
5. Managing Director, The Bihar State Food and Civil Supply Corporation Limited, Sone Bhavan, Veerchand Patel Path, Patna.
6. The District Manager, Bihar State Food and Civil Supply Corporation Limited, East Boring Canal Road, Patna, Bihar.
7. The Assistant Godown Manager, Bihar State Food and Civil Supply Corporation Limited, Naubatpur, District- Patna.
8. The Godown Manager/ Store-in- Charge, Food Corporation of India, Phulwarisharif, District- Patna.
9. The Enforcement Officer, Bihar State Food and Civil Supply Corporation Limited, East Boring Canal Road, Patna, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Madhuri Lata, Advocate
For the State	:	Mr.Upendra Pratap Singh, AC to SC-4
For the BSFC	:	Mr.Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned

counsel representing the Bihar State Food and Civil Supplies

Corporation (in short 'Corporation').

Petitioner in the present case is seeking quashing of

the entire certificate proceeding being Certificate Case No. 12 of

2014-15 as also the order dated 19.11.2016 and 29.11.2016



passed by the District Certificate Officer, Dananpur Sub-Division, Patna.

Learned counsel for the petitioner submits that the certificate proceeding was initiated in a wholly illegal manner and even a certificate in accordance with law was not issued. Learned counsel submits that earlier when the petitioner moved this Court seeking appropriate relief, a learned Co-ordinate Bench of this Court while hearing C.W.J.C. No. 3589 of 2015 granted liberty to the petitioner to make a representation before the Managing Director of the Corporation for purpose of resolution of dispute in terms of Clause 16 of the agreement but when the petitioner made the said application the same was rejected by the Managing Director of the Corporation. Thereafter petitioner filed a Request Case No. 93 of 2019 under Section 11(6) of the Arbitration and Conciliation Act, 1996 before this Court in which vide order dated 20.09.2019 Hon'ble the Chief Justice has been pleased to appoint a sole arbitrator to enter upon the dispute and render his award. Learned counsel submits that till disposal of the arbitration proceeding the order of the Certificate Officer passed under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as the 'Act of 1914') be stayed.



On the other hand, learned counsel for the Corporation submits that the impugned order dated 29.11.2016 passed by the District Certificate Officer, Dananpur under Section 10 of the Act of 1914 is an appealable order. It is submitted that the said order was passed in the year 2016 and after about three years a challenge to the order impugned need not be entertained in the writ jurisdiction of this Court. Learned counsel further submits that once an arbitrator has been appointed by Hon'ble the Chief Justice in Request Case No. 93 of 2019, the remedy of the petitioner lies under the provisions of the Arbitration and Conciliation Act, 1996, therefore, the petitioner may avail his remedy only before the arbitrator in accordance with law.

Having heard learned counsel for the petitioner and learned counsel for the Corporation, this Court is of the considered opinion that after a period of almost three years and on the face of there being an adequate alternative remedy of appeal against the impugned order dated 29.11.2016, this Court need not entertain this writ application against the impugned order. So far as the plea of the petitioner based on the initiation of arbitration proceeding is concerned, again in the opinion of this Court once an arbitrator has been appointed, it is open for the



petitioner to seek his remedy before the learned Arbitrator in
accordance with law.

In the aforesaid observations, the writ application is
disposed off.

(Rajeev Ranjan Prasad, J)

vats/ved

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