

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24879 of 2018

=====

Karan Gupta @ Karan Kumar Gupta Son of Krishna Nand Sah Proprietor of
M/s Gupta Rice Mill, Resident of Village - Sultanganj Road, P.S. Sultanganj,
Distt. - Bhagalpur.

... .. Petitioner/s

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, Distt. - Bank
5. The District Certificate Officer, Banka, Distt - Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Adv. Mr. Satyendra Narayan Singh, Adv.
For the Respondent-BSFC:		Mr. Shailendra Kumar Singh, Adv. Mr. Akash Kumar, Adv. Mr. Satyendra Narayan Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2020 Heard the learned counsel for the parties.

The present writ petition has been filed for quashing the certificate proceedings bearing Certificate Case No. 21 of 2014-15, which is pending adjudication before the learned Certificate Officer, Banka.

The learned counsel for the petitioner has submitted that the subject matter of the proceedings under the Public Demand Recovery Act, 1914 is also subject matter of arbitral proceedings, pending before the learned Arbitrator, who has



been appointed in pursuance to an order dated 21.6.2019 passed by the Hon'ble the Chief Justice in Request Case No. 9 of 2019, filed by the petitioner herein and the said Arbitrator has been authorized to enter upon the dispute in question in terms of the Arbitration and Conciliation Act, 1996. It is thus submitted that since a bona fide dispute is pending adjudication regarding the claims of the petitioner as also regarding the veracity of the public demand in question, which is subject to final award being passed by the learned Arbitrator, it would be just, legal and equitable to stay the ongoing certificate proceedings till the final adjudication of the arbitral proceeding.

The learned counsel for the respondents, on law, has no quarrel.

Having regard to the facts and circumstances of the case as also considering the well settled law on the subject matter, to the effect that during the pendency of the statutory remedies being availed by the petitioner herein, no recovery proceedings can be resorted to, I deem it fit and proper to dispose of the present writ petition with a direction that the Certificate Officer, Banka shall not to take any coercive action against the petitioner in connection with Certificate Case No. 21 of 2014-15 till the final award is passed in the ongoing arbitral



proceedings by the learned Arbitrator i.e. Sri Bhanu Pratap Singh, retired District Judge.

It is needless to state that, immediately upon an Award being passed by the learned Arbitrator, the certificate proceeding shall commence and shall be taken to its logical conclusion by the Certificate Officer, Banka.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

