

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7466 of 2020

M/s Jai Laxmi Laghu Udyog A Proprietorship Firm, having its place of business at NH-57, Chakradaha Road, P.S.- Narpatganj, District Araria, through its Proprietor, Ranjeet Kumar, aged about 48 years, (male), son of Basudeo Panjiar, resident of Raniganj Parbanna, P.O. Mirganj, P.S.- Raniganj, District- Araria.

... .. Petitioners

Versus

1. The State of Bihar Through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Bihar State Food and Civil Supplies Corporation Limited Through its Managing Director, Khadya Bhawan, Daroga Prasad Rai Path, R- Block, Road No. 2, Patna- 800001.
4. The Managing Director Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Rai Path, R- Block, Road No. 2, Patna- 800001.
5. The District Manager Bihar State Food and Civil Supplies Corporation Limited, District- Araria.
6. The District Magistrate cum Collector Araria.
7. The Additional District Magistrate (Establishment) cum District Certificate Officer Araria.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Suraj Samdarshi
	:	Mr.Avinash Shekhar
For the Respondents	:	Mr.Harish Kumar
	:	Mr.Arvind Ujjwal (SC 4)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 09-07-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

In a proceeding before learned Arbitrator in



Arbitration Case No. 04 of 2019 between the petitioner and B.S.F.C. (Bihar State Food and Civil Supplies Corporation Limited) an interim order was passed to the effect that the respondents shall not take any coercive step against the claimant so far as the certificate proceedings were concerned. Possibly under the ignorance of the said interim order passed by the learned Arbitrator, the Deputy Collector (Establishment)-cum-Certificate Officer, Araria has passed an order dated 13.06.2020 for the recovery of the amount out of a transaction which is subject matter before the learned Arbitrator also. The petitioner has challenged the said order passed by the Certificate Officer dated 13.06.2020.

My attention has been drawn to Annexure-R/5 of the second supplementary affidavit, which is part of a counter affidavit filed on behalf of the State of Bihar in a different proceeding to the effect that in similar circumstance after noticing the interim order passed by the Tribunal, the Certificate Officer has recalled its order for recovery of the public demand.

In the facts and circumstances, as noted above, the said application is disposed of with a direction to the Certificate Officer, Araria to pass an order in the light of the order passed by the learned Arbitrator dated 13.06.2020 in Arbitration Case



No. 04 of 2019 within one month from today.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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