

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.907 of 2021

Ashwini Kumar Gupta son of Babban Prasad Gupta Proprietor of M/S Shanti Mini Rice Mill, Kudra, Resident of Village- Chilbilli, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Patna, Bihar at Patna.
2. The Food and Consumer Protection Department through its the Principal Secretary, Bihar at Patna.
3. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
4. The Managing Director, The Bihar State Food and Civil Supplies Corporation Office at Khadya Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna- 800001.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Kaimur.
6. The District Certificate Officer, Kaimur, District- Kaimur.
7. The Officer In- Charge, Kudra, P.S.- Kudra, District- Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2021 The present writ petition has been filed seeking quashing of the order dated 29.02.2020 passed by the Certificate Officer, Kaimur (Bhabhua), whereby and whereunder the objection filed by the petitioner under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914, has been rejected and the petitioner has been directed to deposit the balance amount.



The brief facts of the case are that a certificate case bearing Certificate Case No. 11 of 2015-16 was initiated before the District Certificate Officer, Kaimur at Bhabhua upon filing of a requisition by the respondent-BSFC, whereafter notice was issued to the petitioner and after the petitioner had filed objection under Section 9 of the Bihar & Orissa Public Demand Recovery Act, 1914, the impugned order dated 29.02.2020 has been passed.

The learned counsel for the petitioner has submitted that the impugned order dated 29.02.2020 is an unreasoned order and does not show any application of mind as also no reasons have been furnished for rejecting the objection filed by the petitioner under Section 9 of the Act, 1914.

Per contra, the learned counsel for the State Shri Alok Ranjan, AC to AAG-5 has not disputed the position as is existing in law.

The learned counsel for the BSFC Shri Shailendra Kumar Singh is also present.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court finds that the impugned order dated 29.02.2020 is an unreasoned order which does not show any application of mind



and moreover, no succinct, clear or cogent reasons have been furnished for arriving at a decision to reject the objection filed by the petitioner under Section 9 of the Act, 1914, hence the same is not sustainable in the eyes of law, thus is quashed, however, the matter is remanded back to the Certificate Officer, Kaimur at Bhabua to pass appropriate orders, in accordance with law after considering the objection filed by the petitioner under Section 9 of the Act, 1914. Reference in this connection be had to a judgment rendered by the Hon'ble Apex Court in the case of ***Oryx Fisheries (P) Ltd. vs. Union of India & Ors.*** reported in **(2010) 13 SCC 427.**

The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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