

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7718 of 2022

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Eden Transport Pvt. Ltd. through its Director Mr. Niranjana Rai, Male, aged about years 43, Son of Kamal Dev Rai, Resident of 7, J.L. Nehru Road, Metropolitan Apartment, Metro Cinema, Dharamtala, Kolkata, West Bengal, Pin Code- 700017, presently residing at Flat No.507, Madhuban Apartment, L.B.S. Nagar, Patna, Pin Code- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Bihar, Patna.
2. Bihar State Road Transport Corporation through its Administrator, Sultan Palace, Veer Chand Path, Patna- 800001.
3. The Administrator, Bihar State Road Transport Corporation through its Administrator, Sultan Palace, Veer Chand Path, Patna- 800001.
4. Joint Commissioner-cum-Secretary (Certificate Officer), Regional Transport Authority, Patna Division, Commissioners Office, Gandhi Maidan, Patna- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raushan, Advocate Mr. Pushkar Bhardwaj, Advocate
For the Respondent/s	:	Mr. Anil Kr. Singh, GP-26 Mr. Prabhat Kumar Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



- i. Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the certificate bearing Certificate Case No. 117/15-16 issued under the signature of Joint Commissioner-cum-Secretary, Regional Transport Authority, Patna Division, Patna under Section 7 of the Bihar & Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as "the Act") on 11/07/2015 for purported dues amounting to Rs.4601546/-;
- ii. Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to drop the certificate proceedings in Certificate Case No. 117/15-16 against the petitioner in view of the fact that two arbitration proceedings bearing no. 01/2019 and 02/2019 is pending before the learned Arbitrator and there are claims and counter claims between the petitioner and the concerned authorities under the Bihar State Road Transport Corporation, Bihar, Patna;
- iii. Issuance of a direction, order or writ, including writ in the nature of commanding the concerned respondent authorities to ad-interim stay with respect to certificate bearing Certificate Case No. 117/15-16 in favour of the petitioner till the pendency of this case before this Hon'ble Court;
- iv. For that the apathy and indifference on part of the concerned respondent authorities are even otherwise bad in law as well as on the facts of the present case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the



Bar, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to prefer an appeal against the impugned order.

Permission granted.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The present petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.08.2022
Transmission Date	

