

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3192 of 2022

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M/s Dremz and Aspirations Partnership firm registered office 502, Emarat Tower, Patliputra Colony, P.S. Patliputra, District- Patna, Bihar through its Partners namely Mr. Aashish Kumar Jha, aged about 36 years, Male, Son of Sri Ganesh Chandra Jha, Resident of Flat No. 502, Emarat Tower, Patliputra Colony, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna, District Patna, Bihar.
3. The Collector cum District Magistrate, District Patna, Bihar.
4. The Certificate Officer cum Additional District Magistrate (Law and Order), Patna, District Patna, Bihar.
5. The State of Rajasthan, through the Chief Secretary, Government of Rajasthan.
6. The District Collector, District Alwar, Rajasthan.
7. The Additional District Collector cum Incharge, District Revenue Records, District Alwar, Rajasthan.
8. The President, District Consumer Forum, District Alwar, Rajasthan.
9. Rahul Sharma Son of Roshan Lal Sharma Resident of Dhancholiya, Mohalla Bansur, Tehsil Bansur, District Alwar, Rajasthan, Pin Code 30142.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-03-2022 Petitioner has prayed for the following relief(s):

“(i) For quashing of the entire proceedings arising out of Certificate Case No. 03/2021- 22 including the Notice under Section 7 of the Public



Demand and Recovery Act, 1914 dated 14.09.2021 whereby the petitioner has been asked to deposit a sum of Rs. 12,10,000/-;

(ii) For Issuance of Writ in the nature of mandamus directing the respondent authorities specially Respondent No.4 to consider the Objection filed by the petitioner under section 9 of PDR Act and provide an opportunity of hearing to the petitioner before issuance of Distress Warrant against the petitioner and (iii) For Quashing of Memo bearing memo No. 30 Dated: 07.02.2022, issued by Respondent no. 4 Whereby and Where under Respondent No. 4 without providing an opportunity of hearing to the petitioner directed the petitioner to deposit the certificate amount and in case of failure directed to issue Body Warrant against the petitioner.

(iv) For Restraining the Respondents from proceeding further in connection with Certificate Case No. 03.2021-22 during the pendency of the present writ petition.”

Shri S. Raza Ahmad, learned AAG-5, invites our attention to the notification dated 13th of December, 2021, whereby Presiding Officer, Debt Recovery Tribunal, Ranchi has



been given charge of Debt Recovery Tribunal, Patna and now the Tribunal is functional.

In this view of the matter, petitioners state that they shall immediately move an appropriate application before the Tribunal.

We direct status quo to be maintained for two weeks by the parties. Thereafter, interim order shall stand automatically vacated.

With the aforesaid observation, the writ petition stands disposed of.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

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