

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7952 of 2019

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Deepak Vegpro (P) Ltd. a Company registered Under the Companies Act, having its registered office at Old Industrial Area, Itarana Road, Alwar Rajasthan and having its Branch Office at Station Road, Durgawati, Kaimur, Bihar 821105, through its Director Mr. Mool Chand Goel, aged about 73 years (male), Son of Late Gain Singh @ Late Gian Singh Goel, Resident of Flat, no. 414, Lal Jyoti Apartments, Near Sports Complex, Sector 9, Rohini North West Delhi, Delhi, at Present residing at Station Road, Durgawati, Kaimur, Bihar 821105

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800015
2. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800015
3. The Director, Directorate of Food Processing, Department of Food Processing, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800015
4. The General Manager, District Industries Centre, Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate Mr. Rajan Prakash, Advocate Mr. Vijay Shankar Tiwari, Advocate
For the Respondent/s	:	Mr.

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

Date : 27-09-2022

Heard learned counsel for the parties.

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



- i) To issue an appropriate writ, order or direction in the nature of *mandamus* directing the Respondents to take appropriate decision upon the reply submitted by the Petitioner Company on 24.12.2018 to the show cause contained in memo no. 587 dated 11.12.2018 after giving an opportunity of hearing to the petitioner company.
- ii) To issue an appropriate writ, order or direction in the nature of direction to Respondents to bring on record Memo No. 139 dated 30.01.2019 issued by Respondent No. 3, whereby and where under the Respondent No. 3 has recommended institution of a certificate proceeding against the directors of the petitioner company for recovery of Rupees Three Crore Eight Seven Lakhs Forty Five Thousand that too without considering / rejecting the reply submitted by the petitioner on 24.12.2018 to the show cause contained in memo no. 587 dated 11.12.2018, and thereafter to quash the same.
- iii) To issue an appropriate writ, order or direction in the nature of a declaration that no amount of subsidy is recoverable from the Petitioner Company since the unit of the Petitioner Company was in commercial production for more than five years from the commencement of commercial production.
- iv) To issue an appropriate writ, order or direction in the nature of a declaration that the action of the Respondents in seeking to recover the amount of subsidy granted to the petitioner Company by way of a certificate proceeding is arbitrary exercise of authority/power in utter violation of principles of natural justice.
- v) To award the cost of litigation and suitable compensation for the loss and damages caused to the petitioner on account of the illegal actions of the Respondent Authorities



- vi) To restrain the Respondents from taking any coercive steps against and any other relief or reliefs for which the petitioner is found entitled in the facts and the circumstances of the case.

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition filed/ to be filed by the petitioner under Section 9 of the Act positively within a period of three months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-



(a) Petitioner shall appear in the office of the appropriate authority on 17th of October, 2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of three months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Order assigning reasons shall be supplied to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Anjani

AFR/NAFR	
CAV DATE	
Uploading Date	29.09.2022
Transmission Date	

