

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1074 of 2021

M/s Frontline (NCR) Business Solutions Private Limited having its registered office at B- 48, Ground Floor, Naraina Industrial Area, Phase- II, New Delhi- 110028 through its State- Head, Rahul Pankaj, male, aged about 39 years, son of Sri Pankaj Kishore Saran, resident of Flat No. 404, 4th Floor, Prem Kunj Apartment, Opposite Loyola School, Kurji More, Behind Bank of Baroda, Sadaquat Ashram, Patna- 800010, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Old Secretariat, Desh Ratan Marg, Rajvanshi Nagar, Patna- 800001.
2. Bihar Mahadalit Vikas Mission, 2nd Floor, Secretariat Extension Building, Block- 3, Patna- 800001.
3. The Chief Executive Officer, Bihar Mahadalit Vikas Mission-cum-Secretary, the Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, 2nd Floor, Secretariat Extension Building, Block- 3, Patna- 800001.
4. The Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Secretariat Extension Building, Block- 3, Patna- 800001.
5. The Assistant Mission Director, Bihar Mahadalit Vikas Mission, 2nd Floor, Secretariat Extension Building, Block- 3, Patna- 800001.
6. The Certificate Officer-cum- ADM (Supply), Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K Shahi, Sr. Adv Mr. Madhav Krishna, Adv
For the Respondent/s	:	Mr. Gyan Prakash Ojha Mr. Rakesh Narayan Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

9 20-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.



The petitioner, in the present writ application, has questioned the very initiation of certificate proceeding under Public Demand Recovery Act (in short 'Act') on the ground that the payment in question is not a public demand within the meaning of the Act.

Mr. P.K. Shahi, learned senior counsel appearing on behalf of the petitioner, has submitted that the petitioner has filed an objection under Section 9 of the Act before the Certificate Officer raising all points to object the said proceedings including the issue of jurisdiction, the demand according to the petitioner being not a public demand.

Considering the facts and circumstances, this application is accordingly disposed of with an observation that the petitioner shall be at liberty to press the issue of non-maintainability of the certificate proceeding before the Certificate Officer as raised in the objection filed under Section 9 of the Act.

The Court expects that the Certificate Officer shall pass a reasoned order on the petitioner's objection on all points, including the point of jurisdiction.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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