

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16983 of 2019

=====

M/s. Vishnu Priya Agro Industries through its Partner Bishwanath Sharma, Male, Age 52 years, son of Late Shiv Bachan Sharma resident of Village-Chadhata, P.s.- Belaganj, Distt.- Gaya at present Moh.- Jhilganj, Nai Godam (Mobile Tower Campus), P.s.- Kotwali, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar, Patna
2. The Director Food Processing Directorate, Department of Industries, Govt. of Bihar, Patna
3. The Director General, District Industry Centre, Gaya
4. The District Magistrate, Gaya
5. The District Certificate Officer, Gaya

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh, GA-3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2022

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

That the present writ application is being filed for quashing the letter No. 185 dated 11-02-2019 issued by the Director, Food Processing Directorate, Department of Industries, Govt. of Bihar, Patna whereby without considering the show cause of the petitioner, a requisition for initiation of Certificate Proceeding has been sent to the District Certificate Officer, Gaya for recovery of grant of Rs. 32.63 Lakhs under the scheme of Integrated Development



of Food Processing, Dept. of Industry, Govt. of Bihar in violation of terms and conditions of the Memorandum of Agreement and consequential proceeding initiated by the Certificate Officer, Gaya bearing Certificate case No. 02/2018-19 and/or pass such other order/orders as your Lordships may deem fit and proper under the facts and circumstances of the case.

It is not in dispute that petition under Section 9/60 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 9/60 of the Act positively within a period of two 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 06.01.2023 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 9/60 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 two 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, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2022
Transmission Date	

