

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22648 of 2019**

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Eden Transport Pvt. Ltd. through its Director, Mr. Niranjana Rai, Son of Kamal Dev Rai, Permanent Resident of 7, J.L. Nehru Road, Metro Cinema, Dharamtala, Kolkata, West Bengal- 700013, Presently residing at Flat No. 507, Madhuban Apartment, L.B.S. Nagar, Patna- 800023

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Government of Bihar, Viswasaraiya Bhawan, Bailey Road, Patna- 800001
2. Bihar State Road Transport Corporation through the Administrator, Sultan Palace, Veer Chand Patel Path, Patna- 800001
3. The Administrator, Bihar State Road Transport Corporation, Sultan Palace, Veer Chand Patel 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<br>Mr. Ujjawal Bhushan, Advocate<br>Mr. Abhay Kumar, Advocate                   |
| For the Respondent/s | : | Mr. Prabhat Kumar Verma, Advocate<br>Mr. Ray Saurabh Nath, Advocate<br>Mr. Ajay Kumar Rastogi, AAG-10 |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 13-12-2022**

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. 174/18-19 and other consequential orders issued under the signature of Joint Commissioner-cum-Secretary, Regional Transport Authority, Patna under section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as "the Act") on 04/04/2019 for purported dues and damages amounting to Rs. 7,06,02,945/-;
- (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. 174/18-19 against the petitioner in view of the fact that for the same cause of action earlier also a certificate bearing Certificate Case No. 8/2011-12 was issued by the concerned respondent authorities which was set aside by this Hon'ble Court and an Arbitration Case No. 01/2019 is also pending for adjudication before the learned Arbitrator; unless and until the amount is ascertained, the initiation of the present certificate proceeding is non-est in law;
- (iii) Issuance of an ad-interim stay with respect to the certificate bearing Certificate Case No. 174/18-19 in favour of the petitioner till the pendency of the case before this Hon'ble Court;
- (iv) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

Learned counsel for the petitioner states that post filing of the present petition, the Award in the arbitral proceedings *inter se* the parties is expected to be pronounced in near future.

It is not in dispute that petition under Section 9/16 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 9/16 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 2<sup>nd</sup> of January, 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 9/16 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)**

**(Partha Sarthy, J)**

Amrendra/PKP

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