

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C). No.9446 of 2004**

***Managing Director, NESCO & Anr. .... Petitioner(s).***  
Mr.D.N.Mohapatra, Advocate  
***-versus-***

***Collector & District Magistrate, .... Opposite Party(s)***  
***Bhadrak & Anr. Mr.S.Ghose, AGA***

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**23.09.2022**

**Order No.**

**8**

1. Heard learned counsel appearing for the parties.
2. Undisputedly, the writ petition involves a certificate demand at Annexure-10, page 31 of the brief. For the stage of demand and for the petitioners having a clear scope of filing denying liability application and the grounds raised herein if would have brought to the competent authority for their consideration can be considered. Learned counsel appearing for the petitioners also submits in the meantime there has been some developments through Division Bench judgment. For the petitioners having a clear remedy of objection in the certificate proceeding under Section 8 of O.P.D.R. Act, , while declining to interfere in the notice at Annexure-10, at this stage however finding petitioners were bonafidely pursuing this writ remedy for all these years and there has been stay of the further proceeding in Annexure-10 since 12.10.2004, petitioners are provided with opportunity of filing denying liability application in response to Annexure-10 at least within a period of three weeks hence. Considering petitioners have already some amount in deposit

by virtue of interim direction of this Court, the demand under annexures-7 and 8 may not be insisted upon at least till final outcome in the certificate proceeding, which will be achieved within a period of three months from the date of appearance of the petitioners.

3. The writ petition stands disposed of with the observation made hereinabove.

***(Biswanath Rath)***  
***Judge***

sks

