

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6955 of 2015

=====

Saumya Saroj son of Sri Bhushan Kumar Saroj, resident of Marauha, P.S.-
Madhepur, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Protection Department, Govt.
of Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supply Corporation,
Sone Bhawan, Birchand Patel
4. The Deputy Chief Claim, the Bihar State Food and Civil Supply Corpora-
tion, Sone Bhawan, Birchand Pa
5. The District Magistrate, Madhepura.
6. The District Manager, Bihar State Food and Civil Supply Corporation, Mad-
hepura

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. M.K. Ambastha, GP-14

=====

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL JUDGMENT

Date : 22-04-2024

Heard the learned counsel for the petitioner and the
learned counsel for the Bihar State Food and Civil Supply
Corporation as well as the learned counsel for the State
Government.

2. Learned counsel for the petitioner contended that
Certificate Officer, Madhepura was not a party to this case as
certificate proceedings were not initiated at the time of filing of the



writ petition and therefore seeks permission to make him as respondent in this case.

3. Permission is accorded.

4. The writ petition is filed seeking direction to the respondents to pay the milling charge of the paddy which was done by the petitioner in accordance with the agreement entered between the petitioner and the Bihar State Food and Civil Supply Corporation (hereinafter referred to as 'B.S.F.C') and also for payment of cost of transportation. Further to direct the respondents to lift the remaining quantity of paddy and CMR (customed milled rice) which was supplied by the sixth respondent. Further relief to quash the notice dated 17.05.2014 vide Memo no. 1233 issued by the 6th respondent for demand of Rs. 93,87,702/- and further directing the respondents not to debar the petitioner from entering into future transactions with the B.S.F.C. Further relief to direct the respondents to restrain from any proceedings including the certification case or taking any coercive step against the petitioner.

5. During the course of arguments, it was brought to the notice of this Court by learned counsel for the petitioner that in view of the award passed in Arbitration Case no. 10 of 2019 the relief sought by him in the writ petition i.e., from 1 to 5 have become infructuous and he is only seeking the direction to the



respondents to restrain from any proceedings including certificate case or taking any coercive step against the petitioner.

6. A detailed counter affidavit was filed by the respondents which clearly disclose that the certificate officer has initiated Certificate Case no. 18 of 2014-2015 and notice was issued on 25.07.2014 under Section 7 of Public Demand Recovery Act (hereinafter referred as to 'PDR Act') to the petitioner. The District Certificate Officer, Madhepura has also considered the objection petition under Section 9 of the PDR Act and also passed a final order under Section 10 of the PDR Act on 13.06.2017.

7. The counter affidavit further reveal that there is statutory provisions under Sections 60 and 62 of the PDR Act, for filing an Appeal and Review.

8. But the petitioner has not preferred any appeal against the final order dated 13.06.2017, therefore, the order of the District Certificate Officer, Madhepura has become final.

9. It is contended in counter affidavit that the petitioner has deposited entire defaulted Public Food Grain amounted 50 percent for one week and another 50 percent, after four weeks and therefore prays to dismiss the writ petition.

10. Pursuant to the filing of writ petition, the petitioner preferred Arbitration Case, wherein the respondents have made the



reflective claims before the Arbitrator. The Arbitral tribunal was pleased to pass an Award dated 23.09.2020 in Arbitration Case no. 10 of 2017, wherein it is decided that the petitioner is entitled for Rs. 7,38,293/-. Admittedly the petitioner has deposited Rs. 28,77,543/-. It is also mentioned in the Arbitration Award that the complaint case and matter of confiscation were to be decided by the respondent-B.S.F.C and the respondent was directed to pay an amount of Rs. 7,38,923/- to the claimant within two months from the date of the award.

10. In view of the claims which are being settled by the Arbitral Tribunal in Arbitration Award there is no further necessity to proceed with the certificate case and therefore, the proceeding in certificate case no. 18 of 2014-15 is hereby set aside.

11. With the aforesaid observations, the present writ petition is allowed.

(G. Anupama Chakravarthy, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2024
Transmission Date	03.05.2024

