

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11200 of 2021**

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M/s Shree Kalu Cold Storage Pvt. Ltd. Khushkibagh, Maranga, Purnea,  
through its Managing Director, Amar Chand Baid, Gender- Male, aged about -  
68 Years, Son of Multan Mal Baid, Resident of Mohalla - Khushkibagh, P.S. -  
Sadar Town, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industry Department,  
New Secretariate, Patna.
2. The Industrial Development Commissioner, New Secretariate, Bihar, Patna.
3. The Director, Food Processing Director, Bihar, Patna.
4. The District Certificate Officer, District- Purnea.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Aditya Prakash Sahay, Adv.<br>Mr. Piyus Tiwari, Adv.<br>Mr. Harshit Griyashey, Adv. |
| For the Respondent/s | : | Mr. Ashutosh Kumar Upadhyaya, AC to SC-9<br>Mr. Kinkar Kumar, Adv.                      |

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

12     11-03-2024                      1. Learned counsel for the petitioner has stated that even though he has filed his objections under Section 9, no final order has been passed by the Certificate Officer. Further, learned counsel has stated that the authorities in their supplementary counter affidavit have stated that the objections filed by the petitioner have been disposed of vide order dated 11.06.2019. However, it is stated that the order dated 11.06.2019 has been anti-dated and has taken this Court to the said order (Annexure-R4/G ) to buttress his contention that the said order has been passed by two different persons in two different hand-writings



and two different pens.

2. A perusal of the order dated 11.06.2019 reveals that there are over-writings, the order is written by two different persons in two hand-writings and with two different pens. Even if the contention of the respondents that the objections filed by the petitioner under Section 9 have been dealt with, the order dated 11.06.2019 does not reveal any reasons being given by the authority concerned except stating that the petitioner was not present and that the officials have been left with no other option but to reject the objections. No valid reasons have being given by the authority concerned. The authorities have not even stated that the said order has being communicated to the petitioner or not. Moreover, the two different handwriting in two different inks also creates a doubt in the mind of the court as to whether the same is passed by the same person or not. Therefore, this Court is constrained to set aside the said order dated 11.06.2019.

3. Therefore, without going into the merits or demerits of the case, having regard to the fact that the petitioner has already filed his objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914. This Court deems it fit and proper to direct the Authority concerned (Respondent No. 4) to decide the issue of jurisdiction as raised by the



petitioner duly giving him an opportunity of hearing and pass a reasoned order. The authority concerned shall pass final orders as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the petitioner. Till such time the final orders are passed, the authorities shall not take any coercive steps against the petitioner.

4. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Gauravkr/-

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