

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7503 of 2022

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1. Magadh Sugar and Energy Ltd. Unit Bharat Sugar Mills having its local office at, P.O. and P.S. Sidhwalia, District Gopalganj through its Executive Vice President (Cane) namely Rakesh Kumar Singh, aged about 57 years, male, son of Sri Rameshwar Singh, Resident of at and P.O.- Rampur, P.S. Motiganj, District Gonda, Uttar Pradesh- 271301.
 2. Rakesh Kumar Singh Son of Sri Rameshwar Singh (Executive Vice President (Cane)), Resident of at and P.O.- Rampur, P.S.- Motiganj, District-Gonda, Uttar Pradesh- 271301, and local address at C/o Bharat Sugar Mills, P.O. and P.S.- Sidhwalia, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Sugarcane Industry Department, Government of Bihar, Patna.
2. The Principal Secretary, Sugarcane Industry Department, Government of Bihar, Patna.
3. The Cane Commissioner, Government of Bihar, Patna.
4. The Joint Cane Commissioner, Government of Bihar, Patna.
5. The Certificate Officer, Gopalganj in Certificate Case No. 07/2021.
6. The Cane Officer, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Ashish Giri Sumit Kumar Jha Riya Giri, Advocates
For the Respondent/s	:	Mr. Shankar Kumar, AC to AAG 7

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

14 12-11-2024

1. The present Writ petition has been filed for
the following reliefs:

“i. To issue writ/order or
direction in the nature of Certiorari for
quashing the order dated 18.04.2022



passed by the District Certificate Officer, Gopalganj in Certificate Case No. 07 of 2020-21 by which the objection of the petitioner under Section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 has been rejected and the certificate amount of Rs. 2,51,45,307.50/- (Principal Amount) and interest amount of Rs. 29,25,122.63/- total Rs. 2,80,70,430.00/- has been held to be payable by the petitioner.

ii. To issue writ/order or direction in the nature of Certiorari for quashing the entire certificate proceeding bearing Certificate Case No. 07/2021 including the requisition and the Certificate issued therein under Sections 5, 4 and 6 of the Bihar and Orissa Public Demand Recovery Act, 1914 and also Section 7 Notice dated 26.01.2021.



iii. To hold and declare that the initiation of the Certificate Case No. 07/2021 is wholly without jurisdiction and not tenable in the eyes of law.

iv. To issue writ/order or direction in the nature of Certiorari for quashing the arrest warrant dated 21.08.2021 issued by the Certificate Officer in the present Certificate Case No. 07/2021 against the Petitioner No. 2 i.e. Rakesh Kumar Singh.

v. To pass interim/ad-interim relief preventing the respondent from taking any coercive action against the petitioners in the Certificate Case No. 07 of 2020-21 and/or the further proceedings in the said Certificate Case may kindly be stayed.

vi. To any other relief or reliefs for which the petitioners are found to be



entitled in the facts and circumstances of the case.

2. At the outset, the Learned counsel for the petitioners draw attention of this Court towards the order dated 25.07.2023 passed by this Court by which the order dated 18.04.2022 passed in Certificate Case No. 7 of 2020-21 was stayed.

3.It is relevant to mention that Certificate Case was initiated against the petitioners for recovery of the amount, while declaring the sugarcane variety BO-150 as Samanya (general) as per the order of the Cane Commissioner, Bihar, Patna. In view of allowing the Writ petition bearing CWJC No. 3918 of 2020, this Writ petition has to be allowed, as the Certificate Case No. 07 of 2021 has been initiated against the petitioner for recovery of an amount of Rs. 2,51,45,307.50/- (Principal Amount) and interest amount of Rs. 29,25,122.63/- i.e. for a total amount of Rs. 2,80,70,430.00/- in view of declaring BO-150 as Samanya (general) category.



4. As the main Writ petition is itself allowed, the subsequent proceeding in Certificate Case i.e. Certificate Case No. 07 of 2020-21 shall stand quashed.

5. In the result, the Writ petition allowed for the reliefs sought for by the petitioner.

6. Interlocutory application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

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