

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9834 of 2016

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Dhananjay Singh, son of Ramadhar Singh, resident of village-Karamdih, PS-
Baroon, District-Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Bihar State Food & Civil Supplies Corporation through its MD Bihar
at Patna
4. The Managing Director Bihar State Food & Civil Supplies Corporation
5. The District Manager, Bihar State Food & Civil Supplies Corporation,
Aurangabad
6. The Certificate Officer, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brij Bihari Tiwary
For the BSFC	:	Mr.Shailendra Kumar Singh
	:	Mr.Utkarsha Utpal
	:	Mr.Anand Kishor
For the Respondent/s	:	Mr.Ashok Priyadarshi- GA-4

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

Date : 18-07-2024

1. The Writ application is filed in the nature of certiorari for setting aside the Demand Notice no. 796 dated 20.05.2016, whereby the petitioner is directed to pay an amount of Rs. 4,57,616/- outstanding dues of the Custom Milled Rice (CMR). Further to direct the respondent authorities to adjust the amount of milling charges of the paddy with the transporting



and handling charges in view of its own letter dated 529 dated 05.04.2016 for *Kharif* season for the year 2012-13 and further to direct the respondent authorities not to take any coercive steps.

2. Heard Learned counsel for the parties and perused the record.

3. It is the second round of litigation. At the outset, the petitioner has filed CWJC No. 9133 of 2014 assailing the Demand Notice dated 24.04.2014 whereunder he was directed to pay a sum of Rs. 33,83,688/-. This Court on considering the contentions and merits of both the parties has passed a detailed order dated 22.07.2014 in CWJC No. 9133 of 2014 and other analogous cases. This Court has given liberty to the petitioner to file a representation against the Demand Notice which shall be disposed of as expeditiously as possible and if at all the petitioner is aggrieved on account of refusal of settlement of the dispute by the Corporation, he can take recourse to the arbitration proceedings. Till then no coercive steps shall be taken against the petitioner.

4. It is urged by the Learned counsel for the petitioner that pursuant to the order passed in CWJC No. 9133 of 2014 dated 22.07.2014, the petitioner has made a representation before the District Certificate Officer and also deposited total



amount of Rs.1,01,16,420/- to the State Food Corporation on different dates and also deposited Rs. 4,57,616/- on 08.07.2016 and as such, there are no dues between the petitioner and respondent/BSFC.

5. During the pendency of writ application, IA No. 6965 of 2016 has been filed challenging the order of the District Certificate Officer dated 25.05.2016 by which the petitioner was directed to deposit a sum of Rs. 13,29,730/- as interest of the outstanding dues and further petitioner was also directed to pay a sum of Rs. 50,000/- as court fee.

6. During the course of argument, it is noticed that the Final order passed by the District Certificate Officer was on 25.05.2016, whereunder the petitioner was directed to pay an amount of Rs. 13,29,730/- as an interest @ 12% of the certificate amount and to deposit 50,000/- court fee, so that the proceedings could be ended.

7. The order dated 25.05.2016 is under challenge, in the present writ petition. But the record reveals that the District Manager, State Food Corporation, Aurangabad has addressed a letter to the District Certificate Officer, Aurangabad that total amount of Rs. 1,05,74,035/- has been deposited against the outstanding amount by the petitioner in Auction Case No.



56/14-15 filed under *Kharif* marketing season 2012-13 and pursuant to that the District Manager, Bihar State Food Corporation has also addressed a letter to the Public Prosecutor on 29.07.2016 informing that a Certificate Case was registered against the petitioner/Dhananjay Singh who is arrayed as an accused on the file of Baroon PS Case No. 93 of 2016. It further disclose that the petitioner is the proprietor of M/s Kumar Rice Mill and an amount of Rs. 1,05,74,035/- is recoverable for not depositing the CMR and as the entire amount has been deposited ie. Rs. 1,01,16,420/- + 4,57,616/- by the petitioner, there were no dues, therefore, the FIR has to be closed.

8. It is also the contention of the learned counsel for the respondents that petitioner has paid the entire dues amount and he can approach before the District Certificate Officer, Aurangabad for No Dues Certificate. Therefore, this Court is of the considerable view that as the petitioner has deposited the entire dues amount, the District Manager himself has directed the Public Prosecutor to close the FIR. It is specifically mentioned in the said letter that there are no dues from the petitioner. Therefore, petitioner is directed to approach the District Certificate Officer, Aurangabad within four weeks from



the date of receipt of the order for having No Dues Certificate.

9. With the abovesaid observation, the writ application is disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2024
Transmission Date	

