

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6370 of 2016

Sanjay Kumar Son of Awadh Bihari Sah, Proprietor, M/s. Sanjay Rice Mill,
resident of Village Dumwaliya, P.O. Narapur, P.S. Bagaha, District West
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Prasad Path, R-
3. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daro null null
4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, West Champaran, Bett
5. The Senior Deputy Collector-cum-Certificate Officer, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Md.Raisul Haque, SC-4
For the BSFC	:	Mr. Shailendra Kr. Singh, Sr. Advocate
		Mr. Utkarsh Utpal, Advocate

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

10 06-09-2024

1. The Writ application has been filed for the
following reliefs:-

“(I). For quashing of the order dated 10.03.2016 passed by the respondent No. 5 in Certificate Case No. 20 of 2013-14, whereby and whereunder the Certificate Officer contrary to the records, has passed order upon objection filed by the petitioner and has directed to make payment of the demand,



failing which warrant is to be issued.

(II). For a declaration that institution of the certificate case before last date fixed for procurement of custom milled rice cannot be allowed to continued, without a fresh requisition.

(III) For a declaration that in view of the agreement the respondent Certificate Officer cannot enforce the demand, which is calculated on the basis of the price of custom milled rice, upon failure of the petitioner to deliver the same against the paddy received by the respondent Bihar State Food & Civil Supplies Corporation Limited(hereinafter referred to as the SFC)

(IV) For a direction to the respondent Certificate Officer to pass a fresh order in light of the circular issued by the Central Government and not merely on assertion of the respondent SFC, as has been done in the present case.

(V) For a direction to the respondent Certificate Officer not to take any coercive step in pursuance of the order dated 10.03.2016 and for any other reliefs to which the petitioner is found entitled.”

2. By Order dated 10.05.2016, this Court has disposed of the Writ petition as follows:-

“The petitioner questions the final order passed under Section 10 of the Bihar and Orissa Public Demand Recovery Act, 1914 (hereinafter referred to as ‘the Act’) passed by the District Certificate Officer, West Champaran in Certificate Case No. 20 of 2013-14 on remand of the matter under the orders of this Court passed in C.W.J.C.No. 17777 of 2015.

Although Mr. Samdarshi while questioning the order on merits also endeavours to question the proceeding on maintainability in view of the Arbitration Clause present in the agreement but considering that this



*Court in the last round of proceedings has not chosen to interfere with the certificate proceedings on maintainability rather has required the petitioner to respond thereto under Section 9 of 'the Act' and whereafter final orders have been passed under Section 10 of 'the Act', no cause for indulgence is made out at the present stage in view of the efficacious remedy of appeal available to the petitioner under Section 60 of 'the Act'. The petitioner if so advised, may take recourse thereto.
The writ petition is disposed of."*

3. It is submitted by the Learned counsel for the petitioner that being aggrieved by the Single Bench order dated 10.05.2016, LPA No. 1006 of 2017 has been filed. The Hon'ble Division Bench of this Court have allowed the LPA No. 1006 of 2017 dated 18.07.2017. It is relevant to mention that the operative portion of the L.P.A reads as follows:-

"Accordingly, this Letters Patent Appeal is allowed, order dated 10.03.2016 passed in Certificate Case No. 20 of 2014-15 stands quashed and the writ petition is restored to its original file to be considered by the appropriate Bench in accordance with law. Till hearing on the interim prayer by the Writ Court, coercive steps shall remain stayed."

4. It is pertinent to mention that the Writ petition is filed challenging the order dated 10.03.2016 passed in Certificate Case No. 20 of 2014-15. If once a Certificate proceeding itself is quashed by the Division Bench nothing remains in the Writ for further adjudication.



5. In view of the above observations, the Writ
petition stands disposed of.

(G. Anupama Chakravarthy, J)

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