

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5281 of 2016

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Asha Devi Wife of Sri Shyam Babu Choudhary resident of Dumaria Bhatta,
P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Kishanganj
3. The Certificate Officer, Kishanganj
4. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Kishanganj

... .. Respondent/s

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Appearance :

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For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Sanjeet Kumar Singh, AC to AAG 6
For BSFC	:	Mr. Sanjay Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA

CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-05-2024

The petitioner has filed the present application for
the following reliefs:

“(i) For the issuance of appropriate writ for the quashing of the operation of the order dasted 28.1.2016 passed by respondent no. 3 whereby and where under issued attachment of warrant against the petitioner has been issued.

(ii) For issuance of writ of certiorari for quashing the entire proceeding of the certificate Case no. 6/2014-15 which is instituted against the petitioner on the instance of respondent no. 4 for the recovery of the alleged amount.

(iii) For the other reliefs which may be granted to the petitioner in the facts and



circumstances of this case.

2. The petitioner has filed I.A. No. 2724 of 2016 in the writ application for grant of stay of the operation of the order dated 28.1.2016 passed in Certificate Case No. 6 of 2014-15 by Certificate Officer, Kishanganj and further proceeding of Certificate Case.

3. Learned counsel for the petitioner contended that this matter is squarely covered under the judgment passed in **LPA No. 1643 of 2019** in **CWJC Case No. 20334 of 2019 (Pintu Biswas Versus The State of Bihar & Ors.)** vide judgment dated 18.10.2023 by the Division Bench of this Court.

4. Heard the learned counsel for the petitioner as well as the respondents.

5. In view of the fact that this matter is squarely covered by the aforesaid judgments, in the totality of the circumstances, I am of the opinion that the certificate proceeding passed in Certificate Case No. 6 of 2014-15 has to be set aside and I do so. I find the certificate proceedings itself to be vitiated and set aside the same. I make it clear that I have not made any observation with respect to the award made by the Arbitral Tribunal which if challenged in appropriate



proceedings, would be considered in accordance with law, untrammelled by the setting aside of the certificate proceedings, which is only on the non-compliance of the form and procedure and not on the quantification of the liability.

6. With the aforesaid observations, this writ petition stands disposed of in light of the judgment passed in **Pintu Biswas (supra).**

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2024
Transmission Date	NA

