

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11431 of 2024

1. Ram Kumar, aged about 49 years (M), Son of Dayanand Prasad, Resident of Village-Nagla, Post -Madhav Mills, P.S.Malsalami, District Patna-800008.
2. Rajiv Kumar, aged about 48 years (M), Son of Jai Prakash Gupta, Resident of Simli Main Road, P.O- Madho Mills, P.S. Malsalami, District- Patna-800008.
3. Manish Kumar, aged about 43 years (M), Son of Vinay Kumar, Resident of Bharatpur Simli, P.O. Madho Mills, P.S. Malsalami, District- Patna- 800008.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
4. Director, Industries, Department of Industry, Government of Bihar, Patna.
5. The Director (Technical Development) Department of Industry, Government of Bihar.
6. The General Manager, District Industries Centre, Patna.
7. The Addl. Collector, Departmental Enquiry-Cum-Certificate Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Respondent/s : Mr. Government Advocate, 8.

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

2 18-09-2024 It is the case of the petitioners that they have received a notice dated 25.03.2022. The said notice does not mention the amounts recoverable from the petitioners, they have been threatened with arrest and attachment of their properties, if they fail to return the loans taken from the Department of Industries. The petitioners have approached the Certificate Officer on



12.04.2022 and submitted their objections. The Certificate Officer has then directed the Department of Industries to submit its reply to the objections filed by the petitioners. However, surprisingly the petitioners have received another notice dated 06.12.2023 with similar contents and without giving them the documents or clarifications by way of reply as directed by the Certificate Officer.

2. Learned counsel appearing on behalf of the petitioners has stated that till date the objections raised by the petitioners that they have not received the documents nor the amounts sought to be recovered from the petitioners has being mentioned in the certificate proceedings, the same has not been dealt with by the Certificate Officer. Learned counsel has stated that in case, the documents as well as the amounts due by the petitioners are furnished, the petitioners will file a comprehensive objections to the certificate proceedings.

3. Having regard to the above mentioned facts and circumstances, the authority is directed to furnish all the documents relied by them in the certificate proceedings to the petitioners, the actual amount recoverable from the petitioners by giving them reasonable time to file their objections under Section 9 of the Bihar and Orissa Public Demand and Recovery



Act, 1914. After receipt of the objections from the petitioners within the stipulated time, the authority concerned shall pass necessary orders under Section 10 of the Bihar and Orissa Public Demand and Recovery Act.

4. It is needless to mention that before passing any orders, the petitioners shall be given an opportunity of hearing. Any order passed shall be communicated to the party. Till such time the final orders are passed under Section 10 of the Bihar and Orissa Public Demand and Recovery Act, no coercive steps shall be taken against the petitioners.

5. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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