

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15138 of 2025

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1. Akhilesh Kumar Mehta @ Akhilesh Kumar @ Akhilesh Mehta Son of Late Kamleshwari Prasad Mehta, Resident of Village-Jagni, P.O.-Banaili, P.S.-Champanagar, District-Purnea.
 2. Satish Chandra Mehta, son of Sita Ram Mehta, Member of Jagni PACS Ltd., Resident of Village-Jagni, P.O.-Banaili, P.S.-Champanagar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Secretary, Food and Civil Supply Department, Old Secretariat.
3. The Purnea Central Co-Operative Bank Ltd., Purnea through its Managing Director.
4. The Joint Registrar, Co-operative Societies, Purnea Division, Purnea.
5. The Registrar, Co-operative Societies, Purnea Division, Purnea.
6. The District Co-operative Officer, District-Purnea.
7. The Chief Co-operative Extension Officer, K. Nagar, Purnea.
8. The Court of Commissioner, Purnea Zone, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep
For the State	:	Ms. Vijay Laxmi Shrivastava, AC to SC 23
For respondent no. 3	:	Mr. Rakesh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 16-09-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the parties concerned.2. The petitioners have filed the present writ application for setting aside the order, dated 27.05.2025, passed in Award Case No. 69 of 2025, by the Joint Registrar, Co-operative Societies, Purnea Division, Purnea, whereby a demand of Rs. 87,24,986/- has been made against the petitioners, with further direction to the Managing Director of the |
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Central Co-operative Bank Limited, Purnea, to file an auction notice in the competent court under the provisions of the Bihar Public Demand Recovery Act for execution of the award.

3. Learned Senior Counsel for the petitioners submits that the petitioners are the Chairman and Manager of the PACS, who defaulted, due to various reasons, in supplying 478.54 metric tons of CMR in lieu of 696.77 metric tons of paddy to Bihar State Food Corporation, Purnea, thereby allegedly defalcated a sum of Rs. 84,25,833.91/-, for which First Information Report has been lodged by the Chief Co-operative Extension Officer, K. Nagar, Purnea. The petitioners along with other members of the PACS filed anticipatory bail application, being ABP No. 1735 of 2024 and the learned 9th Additional Sessions Judge, Purnea, has allowed the anticipatory bail application of the petitioners and others, vide order, dated 22.01.2025, with a condition that the petitioners shall deposit Rs. 1,30,000/- in the PACS account maintained in the bank on 15th day of every month. It has further been submitted that since then, the petitioners have been regularly depositing Rs. 1,30,000/-



per month in the PACS account. He further submits that the award amount of Rs. 87,24,986/- shall be deposited by the petitioners in instalments along with accrued interest in the PACS account.

4. On the other hand, Mr. Rakesh Kumar Jha, learned Counsel for the Purnea Central Co-Operative Bank Limited, Purnea, submits that the impugned order is appealable before the Registrar, Co-operative Societies, and the petitioners can avail the remedy before the Registrar, Co-operative Societies, against the award issued to them. He further submits that right now, the Bank is not contemplating to file execution case because the instalment, as fixed by the criminal court in ABP No. 1735 of 2024, has been deposited by the petitioners till July, 2025 and the instalment for the month of August, 2025, has not been deposited by the petitioners.
5. Considering the rival submission and the nature of dispute and the prayer made in the writ application, the petitioners are given liberty to file an appeal before the Registrar, Co-operative Societies, against the impugned order, dated 27.05.2025, passed in Award Case No. 69 of 2025, within a period of six weeks from today.



- 6. If such an appeal is filed by the petitioners, the Registrar shall dispose the same in accordance with law and on its own merit, after giving opportunity of hearing to all concern, within a reasonable time frame.
- 7. It is made clear that so long as the instalment amount is being paid by the petitioners to the Bank, as per the order passed in ABP No. 1735 of 2024, the Bank shall not take any steps for execution of the award.
- 8. However, if the petitioners default in payment of instalment amount for continuous two months, the Bank shall be at liberty to take steps for execution of the award in accordance with law.
- 9. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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