

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17956 of 2025

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Shambhu Kumar Son of Ram Chitra Sah, Proprietor of M/s Sambhu Rice Mill, Resident of- Bagha, P.O.- Suhidra Nagar, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, at Patna.
2. Bihar State Food and Civil Supplies Corporation, Through its Managing Director, at Patna.
3. The District Manager, Bihar State Food and Civil Supplies Corporation, Begusarai, District - Begusarai.
4. The District Magistrate, Begusarai, District - Begusarai.
5. The District Certificate Officer, Begusarai, District - Begusarai.
6. The Officer-in-Charge, P.S.- Town (Lohianagar), District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.
For the Respondent/s : Mr. Additional Advocate General (4)

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

2 27-01-2026 Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of 'Admission' with the consent of both the parties.

2. Learned counsel appearing on behalf of the petitioner submits that the respondent (District Certificate Officer i.e. Respondent No. 5) has issued the warrant of arrest against the petitioner herein without passing the final orders under Section 10 of the Bihar and Orissa Public Demands Recovery Act, 1914. Learned counsel submits that as against the



Section 7 notice issued by the authority, the petitioner has submitted his objections under Section 9 but the authority without passing any orders under Section 10 has straightaway issued the warrant of arrest against the petitioner. Learned counsel submits that the authority has also not taken into consideration the award passed by the arbitrator vide award dated 31.08.2019. Learned counsel, therefore, prays that the present writ petition may be allowed and the certificate proceedings set aside.

3. *Per contra*, the learned counsel appearing on behalf of the respondent- BSFC has vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the total amount due from the petitioner is approximately 3 crore 55 lakhs and whereas the award passed in favour of the petitioner is only 86 lakhs. Learned counsel submits that even for the sake of argument if the said amount is deducted, the petitioner is still due approximately 3 crores and submits that the present writ petition is not maintainable and the same may be disposed of.

4. Having regard to the above made submissions and also duly taking into consideration the fact that the petitioner has filed his objections under Section 9 to the notice issued



under Section 7 and the final orders under Section 10 have not yet been passed. This Court deems it expedient to direct the Respondent No. 5 to pass final orders under Section 10 duly taking into account the objections filed by the petitioner. The authority shall endeavour to pass necessary final orders strictly in accordance with law as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. Till such time the final orders are passed, the authority is directed not to take any coercive steps against the petitioner. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party. In case the petitioner does not cooperate for the disposal of the case, the authority is free to pass necessary final orders and take necessary action in accordance with law. The petitioner shall file his supplementary objections within a period of two weeks from today and the same shall be considered by the authority.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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