

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21202 of 2013

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M/S Ganpati Food Industries, Industrail Area, Pandaul Madhubani Through
Its Proprietor Sanjay Kumar Sah Son Of Sri Ramu Sah Resident Of Village
Balha, P.O. Bhuskull, P.S. Keoti, District Darbhanga

.... Petitioner

Versus

1. The State Of Bihar
2. Chief Secretary, Government Of Bihar, Patna
3. District Magistrate, Madhubani
4. Managing Director, Bihar State Food And Civil Supply Corporation, Son
Bhawan, Birchand Patel Path, Patna
5. District Manager, Bihar State Food And Civil Supply Corporation,
Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Respondent B.S.F.C.: Mr. R.S. Pradhan, Sr.Adv.

Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 31-07-2014

Heard learned counsel for the parties.

Having regard to the admitted position that in the
agreement between the petitioner and the Bihar State
Food & Civil Supplies Corporation there is no clause of
recovery of the dues from the petitioner by way of taking
recourse to Bihar Public Demand Recovery Act, the
impugned certificate proceedings cannot be sustained.
This aspect of the matter has already been decided by the
judgment of this Court dated 22.7.2014 in C.W.J.C.No.
13746/2013 (C.W.J.C No. 13746 of 2013 (Sone Valley

Rice Mill vs the State of Bihar & Ors).

In the result, this application is allowed and Certificate Case No. 7/2013-14 is hereby quashed.

Nothing said in this order, however, will come in the way of Bihar State Food and Civil Supplies Corporation in realization of the amount in question involved in this certificate case by taking any other recourse against the petitioner as may be permissible in law.

(Mihir Kumar Jha, J)

surendra/-

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