
(1999) 07 PAT CK 0009
In the Patna High Court
Case No : C.W.J.C. No. 10979 of 1998

Smt. Shanti Devi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-07-1999

Acts Referred:

Public Demands Recovery Act — Section 11

Citation : (2000) 2 PLJR 205

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Advocate : Kanti Kumar Ojha, for the Appellant;

Final Decision : Allowed

Judgement

Aftab Alam, J.—Heard the counsel for the parties.

2. This writ petition arises from a proceedings initiated against the Petitioner under the provisions of the Public Demands Recovery Act. Two certificates were issued for realization of sums of Rs. 22,741/- and Rs. 10730.96 respectively as dues of royalty against the Petitioner, who operated a stone crushing unit. The dues relate to the year 1982-83 and the recovery proceedings were initiated on the basis of audit objections. It is further stated in the counter affidavit filed on behalf of the Respondent authorities that in the certificates it was on account of mistake that the dues were shown being in connection with royalty. In fact, the dues related to cess on royalty and the Certificate Officer was accordingly intimated to make necessary correction in the certificate.

3. Counsel for the Petitioner relied upon a decision of this Court in Satya Naitan Jhunjhunwala v. The State of Bihar and Ors. reported in 1996 (2) PLJR 698. In that decision, it was held that the power u/s 11 of the Public Demands Recovery Act was not attracted for allowing amendment of the requisition of the certificate on the basis of which certificate had been issued. The decision prima facie supports the submission made on behalf of the Petitioner and I find that the

submission is fit to be accepted.

4. This writ petition is, accordingly, allowed and the Respondents are restrained from proceeding against the Petitioner in the two certificate cases.