

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4382 of 2009

United Bank of India, wholly owned by Government of India having its Head Office at 11, Hemant Basu Saruni, Kolkata and carrying its business inter-alia at Station Road, Patna known as Patna Branch through its Senior Manager namely Manoj Shankar Verma

.... Petitioner

Versus

1. The State of Bihar through the Secretary/Commissioner, Cane Department, Bihar, Patna.
2. Bihar State Sugar Corporation through its Chairman-cum-Managing Director.
3. Sri Krishan Gyanoday Sugar Ltd. (In short S.K.G. Sugar Ltd. having its registered office at Frazer Road, Patna, P.S. Kotwali, District Patna (Now vested in the State of Bihar)

.... Respondents

Appearance :

For the Petitioner : Mr. Rajendra Narain, Sr. Advocate
Mr. B.B. Sinha,
Mr. Ajay Dutt
Mr. Amarjeet Choudhary, Advocates
For the State : Mr. Manoj Kumar, AC to SC 12
For Resp.-Corporation : Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2018

Heard learned senior counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent-Corporation.

2. The present writ petition has been filed for a direction to the respondent authorities for payment of proportionate share from the ascertained sum of the compensation amount payable by the State Government for acquisition of the Respondent No. 3 by virtue of Bihar



Sugar Undertaking (Acquisition) Act, 1985 with interest for the delayed period; and for connected reliefs.

3. Submissions at length have been made by Mr. Rajendra Narain, learned senior counsel for the petitioner. It is pointed out that in an earlier round of litigation, this Court, by its order dated 01.07.2004 passed in CWJC No. 10661 of 1999 (*The United Bank of India s. Member, Board of Revenue & ors*), had held that Section 7 of the Bihar Sugar Undertaking (Acquisition) Act, 1985 (for short, "the Act") is an independent proceeding for payment of compensation for acquisition of the scheduled undertakings covered thereunder. It was also held that the petitioner's claim fell for consideration in terms of Second Schedule to the said Act. Accordingly, the earlier order of the prescribed authority holding that no decision was required as the matter was pending before the Debts Recovery Tribunal was set aside and the matter remitted back for consideration in accordance with law.

4. Pursuant to the order of this Court as aforesaid, the petitioner approached the prescribed authority in which the respondent-State of Bihar as well as Bihar State Sugar Corporation participated as respondents. After hearing the parties and upon consideration of the relevant materials, the matter was disposed of by order dated 05.10.2005 (Annexure-1) determining an amount of Rs. 5,48,14,146/- as the amount payable, after deducting any amount



already paid, by the State Government through Bihar State Sugar Corporation Limited.

5. It is stated that the order of the prescribed authority dated 05.10.2005 has attained finality. Accordingly, representations have been filed from time to time before the Bihar State Sugar Corporation Limited as well as the Cane Commissioner for making payment in accordance with the order of the prescribed authority, but the same has yet to be paid.

6. Learned counsel for the State, on the other hand, raises a preliminary objection to the effect that the grievance of the petitioner is in the nature of a money claim which may not be entertained in a writ petition. More specifically, he invites reference to Section 9(1) of the Act, according to which the prescribed authority itself has been vested with all the powers of Civil Court while trying a suit or executing a decree under the Code of Civil Procedure, 1908. A specific power has been granted under Section 9(1)(e) relating to execution of any order made by it.

7. Learned counsel for the respondent-Corporation appears and has been heard.

8. Having heard the parties, I am of the view that the prescribed authority is vested with sufficient powers for execution of its orders in terms of Section 9 of the Act. Learned senior counsel for the



petitioner has also not disputed the stand of the State on this aspect of the matter.

9. In the above circumstances, the writ petition stands disposed of with liberty to the petitioner to approach the prescribed authority for execution of the order dated 05.10.2005 (Annexure-1) passed by the prescribed authority, for consideration in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.08.2018
Transmission Date	N.A.

