

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.69 of 2015

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M/s Power Grid Corporation of India Limited, a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at Qutab Institutional Area, Katwaria Sarai, New Delhi-110 016, having one of its Grid at Gaurichak, P.S. Gaurichak, District-Patna, through its Chief Manager Sunil Kumar, son of Shri R. Sahu, resident of village-Gaurichak, P.O. Fatehpur, P.S. Gaurichak, District-Patna

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director
3. The Electrical Engineer, Electric Supply Division, Masaurhi
4. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna

.... Respondent/s

with

Civil Writ Jurisdiction Case No.71 of 2015

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M/s Power Grid Corporation of India Limited, a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at Qutab Institutional Area, Katwaria Sarai, New Delhi-110 016, having one of its Grid at Patna-Ranchi Road, P.O. Mahanandpur, Bihar Sharif, District-Nalanda through its Chief Manager A.K. Goel, aged about 47 years, son of Late Ashram, resident of Power Grid Corporation of India Limited, Patna-Ranchi Road, P.O. Mahanandpur, P.S. Deepnagar, District-Nalanda, (Bihar Sharif)

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Managing Director
3. The Electrical Executive Engineer, Electric Supply Division, Bihar Sharif
4. The State of Bihar, through the Principal Secretary, Energy Department, Government of Bihar, Patna

.... Respondent/s

Appearance:

(In CWJC No.69 of 2015)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

For the Respondent nos. 1 to 3: Mr. Anand Kumar Ojha, Advocate

(In CWJC No.71 of 2015)

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Respondent/s : Mr. Anil Kumar, GP-23
For the Respondent nos. 1 to 3: Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-02-2015

Mr. Suraj Samdarshi for the petitioner, Mr. Anand

Kumar Ojha for the respondent Holding / Distribution Company and counsel for the State are present and agree to the disposal of these two writ petitions in terms of the judgment and order passed by this Court in CWJC No. 9362 of 2014 and CWJC No. 9363 of 2014 which two writ petitions were allowed by a common judgment and order dated 9.10.2014.

It is not in dispute that the issues raised as well as the reliefs prayed in the said two writ petitions and in the present two writ petitions including the contesting parties are the same except that the Distribution Company in the earlier cases were North Bihar Power Distribution Company and in the present case it is the South Bihar Power Distribution Company but nonetheless both are the subsidiaries of the same Power Holding Company.

In the circumstances, these two writ petitions are allowed in terms of the judgment and order dated 9.10.2014 passed in CWJC No. 9362 of 2014 and CWJC No. 9363 of 2014 and as a consequence thereof the bills / orders impugned in the two writ petitions are also set aside. The matter is remitted back

to the assessing authority i.e. the respective Electrical Executive Engineer to pass a fresh order in accordance with law and after hearing the petitioner and raise a fresh bill after adjusting the amount already deposited by the petitioner in terms of the directions contained in the judgment and order passed in CWJC Nos. 9362 and 9363 of 2014.

(Jyoti Saran, J)

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