

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10193 of 1997

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1.M/S Kishan Seva Cold Storage Pvt. Lt d. Market Yard, Mussallehpur, P.S. Sultanganj, Patna through Sita Ram Yadav, its Managing Director.
2. Sita Ram Yadav, son of Sri Triveni Rai, M.D., Kishan Seva Cold Storage Pvt. Ltd. Market Yard, Mussallehpur, P.S. Sultanganj, Patna.

.... Petitioner/s

Versus

The Bihar State Electricity Board and others.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s. Sanjeev Kumar Mishra & Jitenrda Kumar, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

Mr. Vijay Kumar Verma,

For the State

Mr. M.Alam, AC to SC-3.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-02-2015

Shivaji Pandey,J

Heard learned counsel for the petitioners and the respondents.

In the present case, petitioner is claiming exemption from payment of Annual Minimum Guarantee (for short, 'AMG') for the period 1995 to 2000 claiming that the petitioner company is a cold storage which falls under the definition of 'Industries' which has been categorized for granting exemption from AMG bills by the Bihar Electricity Board (for short, 'Board').

In support of his contention, counsel for the petitioner has drawn my attention to Annexure-10 showing that the cold storage also falls in item No.18 which deals with the Industry related to preservation of different agriculture items.

Counsel for the petitioner submits that as the petitioner is a Cold Storage, primarily storing preserving agriculture products, is entitled to exemption from payment of AMG charges.

Counsel for the Board has submitted that the petitioner is not a new industry and benefit of the scheme will not be extended to the old industry

but is only available to up-coming industry.

Counsel for the petitioner is not in a position to place any record to show that the industrial policy is also applicable to the old Industry as generally exemption is granted to the new Industry for attracting the investment and, as such, this Court is not inclined to accept the plea of the petitioner for granting any exemption.

Accordingly, this petition is dismissed.

Jay/-

(Shivaji Pandey, J)

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