

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13675 of 2013

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1. M/S Krisak Cold Storage, A Partnership Firm Located At Ahiraulia, P.O.- Bara Chakia, P.S. Chakia, East Champaran, Through Its Partner Sri Krishna Kumar Singh, Son Of Sri Kapil Dev Narayan Singh, Resident Of Chakia House, Imli Chatti, P.S.- Brahmpura, Distt. Muzaffarpur

.... Petitioner/s

Versus

1. The Bihar State Power Holding Co. Ltd., (Earlier Bihar State Electricity Board) Through Its Chairman, Vidyut Bhawan, Bailey Road, Patna-800001

2. The General Manager- Cum- Chief Engineer, Tirhut Electricity Supply Area, Muzaffarpur

3. The Electrical Superintending Engineer, Electricity Supply Circle, Motihari

4. The Electrical Executive Engineer, Electricity Supply Division, Motihari, East Champaran

5. The Assistant Electrical Engineer, Electricity Supply Division, Chakia

6. Shri Gheyasuddin, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal
Ms. Aishwarya Riti, Advocate

For the Respondent/s : Mr. Ratan Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 07-09-2015 The petitioner seeks quashing of the order dated 8.5.2013 passed by the Respondent No.6 who was earlier posted as DGM-cum-ESE, TESA, Muzaffarpur.

The petitioner runs a cold storage. It defaulted in making payment of electric dues, which led to initiation of a certificate proceeding. The petitioner has raised a grievance that bill has been charged even for the period, the transformer in question



remained burnt. This Court by order dated 10.2.2010 passed in C.W.J.C. No.16324 of 2009 referred the matter to the General Manager to consider his grievance with respect to the amount mentioned in the certificate proceeding. Till the matter is adjudicated by the General Manager, the certificate case was kept on board.

Pursuant to the direction of this Court, the petitioner appeared before Respondent No.6 who at the relevant time was General Manager-cm-Chief Engineer, Tirhut Electric Supply Area, Muzaffarpur. The petitioner's case is that the hearing before the respondent No.6 got deferred as the Board's representative did not appear with the requisite document. In the meantime, respondent no.6 was transferred and in his place one Ashok Kumar took over the charge in January, 2013. Thereafter, no notice was issued to the petitioner and respondent No.6 who was appointed as Chief Project Manager, Technical Services, Patna rejected the representation of the petitioner.

The petitioner submits that the disposal of representation of the petitioner without giving any notice deprived him of his right to present his case effectively and thus the same was in violation of principle of natural justice.

Faced with such adversary, counsel for the Board submits

that the post of General Manager cum Chief Engineer is abolished in 2013 and the petitioner should appear before the Chief Engineer (Commercial) and present his case.

I find that the submissions of learned counsel for the Board is fair and reasonable. The petitioner would appear before the Chief Engineer (Commercial), North Bihar Power Distribution Co. Ltd., Tirhut Electric Supply area, Muzaffarpur within four weeks from the date of receipt/production of a copy of this order, who would fix a date in the case. The matter would be disposed of in accordance with law.

Till then, the certificate proceeding as directed earlier by order dated 10.2.2010 passed in C.W.J.C. No.16324 of 2009 would remain on board.

In the result, this writ application is allowed and the impugned order dated 8.5.2013 passed by the Chief Project Manager, Technical Services, Patna is set aside.

(Samarendra Pratap Singh, J)

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