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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22769 of 2011

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M/S Vajra Cement Pvt Ltd Having Its Registered Office At 205, Luv Kush Tower, Exhibition Road, Patna Through Its Manager Indra Kant Thakur S/O Shri Narendra Thakur. Luv Kush Tower, Exhibition Road, Patna

.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary
2. The Principal Secretary Cum Industrial Development Commissioner, Deptt. Of Industry, Government Of Bihar, Patn.A
3. The Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna Through Its Chairman.
4. The Finance Controller (Revenue), Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna.
5. The General Manager-Cum- Chief Engineer, Central Area Electricity Board, Sepentine Road, Patna.
6. The Electrical Supeintending Engineer, Patna Electric Supply Circle, R-Block, Patna.
7. The Electrical Executive Engineer (Commerce & Revenue), Patna Electric Circle, R- Block, Patna. .... Respondents

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Appearance :
For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Manoj Priaydarshi Sc17

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 11-08-2015 The petitioner prays for quashing the demand bill dated 25.11.2011 of Rs.4,69,193/- against minimum guaranteed units and for a direction to the authorities for not disconnecting the electric supply for its non payment, as the same is contrary to the industrial policy resolution of the State Government.

The petitioner is consumer of Bihar State Electricity Board bearing consumer no. BT 3863 with a contract demand of 450 KVA for his industrial unit at Bihta. He submits that respondents had found his unit eligible for grant of incentive and exemption from annual AMG/MMG, under Industrial Incentive Policy, 2006 with effect from 1.4.2006 to 31.3.2011. The industrial policy, 2006 was for 5 years and it ended on 31.3.2011. Again in order to continue the incentive to the existing as well as newly set up industrial units and also to revive sick and closed units which were in production, the State Government notified Industrial Incentive Policy, 2011 with effect from 1.7.2011.

It appears that initially the petitioner was served energy bill from May 2011 to September, 2011 on the basis of actual consumption in view of Industrial Incentive Policy, 2006 of the State Government. The petitioner is aggrieved with bill dated 25.11.2011, whereby half yearly minimum guarantee bill for the period May, 2011 to September, 2011 was raised.

The petitioner submits that the respondents ought to have charged him for the actual consumption for the month of May and June, 2011 in view of resolution of the Industry department, contained in Memo no. 1706 dated 27.12.2010 (Annexure 6) as the benefit of Industrial Incentive Policy, 2006 was extended to 31.12.2011 from 31.3.2012.

Counter affidavit has been filed by the Company submitting that a certificate case has also been initiated against the petitioner for a sum of Rs.4,32,15,853/-.

In view of the resolution of the State Government in the Industry department, contained in Annexure 6 and the matching notification of the department dated 20.12.2011 contained in Annexure C to the counter affidavit, I hold that the petitioner would be entitled to AMG, and other exemptions under the Industrial Incentive Policy, 2006 and as such the demand of Rs.4,68,193/- disallowing the said exemption is bad in law and is accordingly set aside. The Board (the Company) is directed to refund or adjust the amount against the pending bill.

This writ petition is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J)

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