

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6501 of 2013

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1. Bihar State Electricity Board, through its Secretary, Vidyut Bhawan, Bailey Road, Patna
 2. The Electrical Superintending Engineer, Electric Supply Circle, PESU (West), Patna

.... Petitioner.

Versus

1. The State of Bihar, through the Secretary, Department of Energy, Bihar, Patna
2. M/S Gangotri Electro Casting Limited, Bochachak, Fulwarisarif, Patna, through its Director, Shri Sanjiv Kumar Choudhary, son of Late Shew Bhagwan Choudhary, having registered office at 302, Ashiana Towers, Exhibition Road, Patna-1

.... Respondents

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Appearance :

For the Petitioner/s : Mr. A. K. Ojha, Advocate

For the Respondent/s : Mrs. Salini Rani, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 17-08-2015

Heard learned counsel for the Board and the State.

2. No one appears on behalf of private respondent.

3. The petitioners pray for setting aside the order dated 12.06.2012 passed by the learned Consumer Grievance Redressal Forum, Patna whereby the petitioners have been directed to prepare a consolidated revised energy bill after giving due credits to the benefits admissible to respondent no.2 under Industrial Incentives Scheme, 2006 in case no. 120 of 2009.

4. The petitioners submit that the decision to grant Industrial Incentives Scheme to the Steel Manufacturing Unit was taken in the year 2010 and as such the Consumer Forum erred in

giving the direction for preparation of consolidated revised bill. They further submit that the Consumer Forum ought to have directed remission of the DPS amount.

5. I find from the materials on record that exemption and benefits of Industrial Incentives Scheme was to be given to the Steel Manufacturing Unit w.e.f. 1st April, 2006. The bill did not exclude exemption under the Industrial Incentives Scheme and also charged DPS on the delayed payment.

6. I find that once the private respondent was eligible for exemption and the Board, which has adopted the Industrial Incentives Scheme, ought to have granted the benefits thereunder to the private respondent, as the bills were not correct, the Consumer Forum rightly directed for remission of the charges.

7. In this view of the matter, I do not find any merit in the application and the same is dismissed.

(Samarendra Pratap Singh, J.)

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