

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12979 of 2012**

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M/S Jonson Paints Co., 11/A Ashoka Place, Exhibition Road, Patna- 1,  
Through It'S Proprietor Sri Krishna Prasad .... Petitioner

Versus

1. The Superintending Engineer, Bihar, State Electricity Board, Pesu, East Circle, Patna
  2. The Electrical Executive Engineer, Electric Supply Circle, Pesu East Ashoka Raj Path, Patna .... Respondents
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**Appearance :**

For the Petitioner : Mr. Tuntun Kumar, Advocate  
For the Respondents : Mr. Vinay Kirti Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

6      06-08-2015      The petitioner seeks direction to the respondents to grant exemption available under Industrial Policy, 2006 for the period September, 2010 to December, 2010 and also to refund the security amount of Rs.3,28,174/-. The petitioner started his manufacturing unit of paint at Muhalla Agam Kuan, Pahari Road, Patna for which he was granted HTS 1 exemption of AC No. 241546. In 1991, the PESU sanctioned 75 HP LTIS line which was enhanced in the year 2001 to 100 KVA by means of conversion of LTIS line to HT line. All the electrical bills were regularly paid since 1991 to 2000. However, line was not disconnected immediately and some production in the factory continued till its disconnection as per the Bihar State Electricity Board Act. The petitioner, in support of its submission, has



referred to Annexure 6, by which his licence for production has been renewed for the calendar year 2009 to 2010. He submits that he also got exemption under Industrial Policy for the unit shifted at Sampatchak from Agamkuan. The petitioner made representation to respondent no.1 requesting therein to extend the exemption of MMG from August to December, 2010 which the Board disallowed by giving a vague bill in September, 2011. The petitioner submits that as the factory continued with production, the respondents ought to have given exemption of AMG charge etc up to December, 2010 under the 2006 Policy. The petitioner, as such has prayed for quashing of the demand made vide Letter no. 1719 dated 20.10.2011 under the signature of respondent no.2 for a demand of Rs.3,91,098/-.

However, counsel for the Board submits that as the unit was shifted to another circle, the petitioner was not entitled to exemption under Rules 7.12(10) of the Supply Code. He submits that the energy bill amount of the Company would also show that the production in the factory had stopped as the electric bill was of meager amount for the months September to December, 2010.

Having regard to the facts and circumstances of the case, it is for the petitioner to show before the authorities that some production activities continued in the factory from September,

2010 to December, 2010. In case, the petitioner satisfies that production continued, he would be entitled to MMG exemption as allowed under the industrial policy, 2006.

The writ petition stands disposed of with the aforesaid observations.

**(Samarendra Pratap Singh, J)**

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