

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9993 of 2013

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M/S Puja Engineers (Private) Ltd. through its Director, Dinesh Kumar Khowala Son of Late Mahabir Prasad Kholā, the office of which at Ch-2, Road No. 26, Sri Krishna Nagar, Patna - 800001

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, through its Chairman, Baily Road, Patna
2. The Secretary, Bihar State Electricity Board, Baily Road, Patna
3. The Finance Controller (Revenue), Bihar State Electricity Board, Baily Road, Patna
4. The General Manager-Cum-Chief Engineer, PESU, Electricity Supply Area, Patna
5. The Superintendent Engineer, Electricity Supply Circle, PESU (East), Patna
6. The Executive Engineer, Electricity Supply Division, PESU (East), Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 20-01-2015 The issue raised stands noted in the order of this Court recorded on 25.11.2014.

It is not in dispute that the petitioner is entitled to benefits under the Industrial Policy, 2006 for exemption from levy of minimum monthly guarantee charges. Although the petitioner has been provided with the benefit for the period effective from 1.4.2006 but was denied benefits for the month of October, November and December, 2007 and in such circumstance, the petitioner made the payments in protest. The issue was



deliberated before this Court in CWJC No. 3759 of 2009 requiring the respondents to consider the entitlement for the period October 2007 to December 2007 and yet the respondents sat tight over the matter forcing the petitioner to again move before this Court in the present writ petition.

The writ petition was filed on 9.5.2013 and the grievance raised was taken note of by this Court in the order dated 25.11.2014 and again on 23.12.2014 when this Court expressed satisfaction to the entitlement of the petitioner to the relief prayed in the writ petition. In fact an affidavit was also filed through the Legal Supervisor of the respondent company on 23.12.2014 in which at paragraph-19 it was admitted that the petitioner is entitled to the relief under the industrial incentive policy since April 2006 until date and that the relief for disconnected period i.e. October, 2007 to December, 2007 was being examined.

Enabling the respondents to take a final decision in view of the admitted position that the matter was adjourned and has been taken up today when it is informed by Mr. Binod Bihari Singh learned counsel appearing for the petitioner that the matter rests at the same stage. There cannot be a better example of inertness on the part of the respondents.

This Court cannot withhold its anguish at the slow pace

at which the matter has been dealt at the level of the respondents where the entitlement of the petitioner which accrued as back as in 2007 still evades the petitioner even when the position stands admitted by the respondents.

Let this matter be brought to the notice of the Managing Director, South Bihar Power Distribution Company Limited for taking appropriate steps at her level to energize the working within the department. However, taking note of the admitted position as discussed hereinabove, the General Manager-cum-Chief Engineer, PESU, Electricity Supply Area, Patna or the authority concerned is directed to pass necessary orders in connection with the grant of benefit of Industrial Incentive Policy, 2006 for the period October, 2007 to December, 2007 in respect of the petitioner and the amount so deposited by the petitioner against the bill raised towards the minimum monthly guarantee charge for the said period, should be refunded / adjusted against the existing / future bills of the petitioner.

Considering the lapse and unwarranted harassment caused to the petitioner in obtaining a relief which in ordinary course should have been granted to him in 2007, this Court finds the petitioner entitled to 10 per cent interest on the deposits made by him towards monthly minimum guarantee charges, to be

calculated from the date of deposit until its refund / adjustment against the bills of the petitioner.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

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