

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5614 of 1999

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Jai Mangla Steels Pvt. Ltd., N.H.28, Phulwaria, P.S.-Barauni, Town and District-Begusarai, appearing through its Director, Ajoy Kumar, S/o Shri B.P. Singh, resident of Shrikrishna Nagar, P.S.-Begusarai, Town and District-Begusarai.

.... Petitioner/s

Versus

1. Bihar State Electricity Board, through its Chairman, Bailey Road, P.S.-Kotwali, Town and District-Patna.
2. General Manager-cum-Chief Engineer, Mithila Area Electricity Board, Darbhanga.
3. Revenue Officer-cum-Electrical Executive Engineer, Commercial and Revenue Division, Electrical Supply Circle, Samastipur.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 11432 of 1994

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Dumraon Textiles Limited, a public limited Company incorporated under the Companies Act, 1956 having its registered office at "Dumraon House", 26A, Camac Street, Calcutta- 700 016 and its Head Office and factory at Dumraon in the District of Buxar through the Company Secretary, Sri Baijnath Singh.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna, through its Chairman.
2. General Manager-cum-Chief Engineer, Central Bihar Area Electricity Board, Serpentine Road, Patna.
3. Electrical Executive Engineer, Bihar State Electricity Board, Moiri Parwa, Buxar.

- 4. Assistant Electrical Executive Engineer, Supply, Dumraon.
- 5. Revenue Officer, Bihar State Electricity Board, Electric Circle, Arrah, District-Bhojpur.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 14386 of 2003

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Konark Alloy Pvt. Ltd., Munger, appearing through its Director, Abhay Kumar, S/o Late Nand Kishore Prasad Agarwal, resident of Bari Bazar, P.S.-Kotwali, Town and District-Munger.

.... Petitioner/s

Versus

- 1. Bihar State Electricity Board, appearing through its Chairman, Bailey Road, P.S.-Kotwali, Town and District-Patna.
- 2. General Manager-cum-Chief Engineer, Bhagalpur Electricity Area, Bhikanpur, P.S.-Ishashak, Town and District-Bhagalpur.
- 3. Electrical Superintending Engineer, Munger Electrical Circle, Munger.
- 4. Asstt. Electrical Engineer, Electric Supply, Sub-Division (West), Munger.
- 5. Junior Electrical Engineer, Electric Supply Section, Puraniganj, Munger.

.... Respondent/s

With

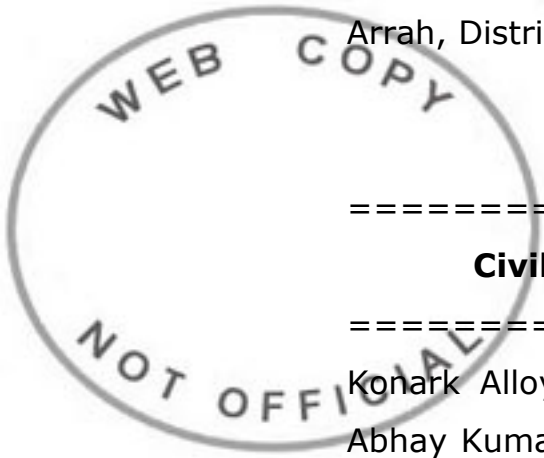
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Civil Writ Jurisdiction Case No. 10420 of 2002

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M/s Nirman Cements Ltd., a company incorporated under the Companies Act, 1956, having its head office at 501 B, Ashiana Chambers, Exhibition Road, Patna, through its Managing Director, Sri Sushil Kumar Khemka.

.... Petitioner/s



4. Electrical Executive Engineer, Commercial and Revenue, Patna Electric Circle, R. Block, P.S.-Sachivalaya, Town and District-Patna.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 80 of 2000

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M/s Sita Flour Mills Pvt. Ltd., Industrial Area, Donar, At P.S. and District-Darbhanga, through its Director, Sri Santosh Kumar Pansari.

.... Petitioner/s

Versus

- 1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna, through its Chairman.
- 2. The General Manager-cum-Chief Engineer, Mithila Area Electricity Board, At P.S. and District-Darbhanga.
- 3. The Electrical Superintending Engineer, Darbhanga Electrical Circle, Darbhanga.
- 4. The Electrical Executive Engineer, Darbhanga Electrical Circle, Darbhanga.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 81 of 2000

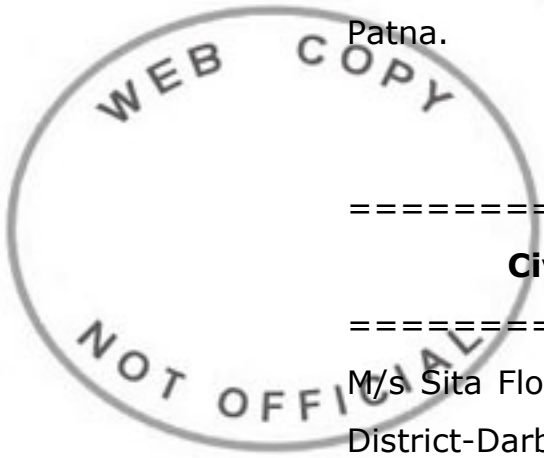
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M/s Sita Flour Mills Pvt. Ltd., Industrial Area, Donar, At P.S. and District-Darbhanga, through its Director, Sri Anubhav Pansari.

.... Petitioner/s

Versus

- 1. Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna, through its Chairman.
- 2. The General Manager-cum-Chief Engineer, Mithila Area



Electricity Board, At P.S. and District-Darbhanga.

3. The Electrical Superintending Engineer, Darbhanga Electrical Circle, Darbhanga.

4. The Electrical Executive Engineer, Darbhanga Electrical Circle, Darbhanga.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 106 of 2000

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M/s Sita Flour Mills Pvt. Ltd., Industrial Area, Donar, At P.S. and District-Darbhanga, through its Director, Sri Santosh Kumar Pansari.

.... Petitioner/s

Versus

1. Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna, through its Chairman.

2. The General Manager-cum-Chief Engineer, Mithila Area Electricity Board, At P.S. and District-Darbhanga.

3. The Electrical Superintending Engineer, Darbhanga Electrical Circle, Darbhanga.

4. The Electrical Executive Engineer, Darbhanga Electrical Circle, Darbhanga.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 382 of 2000

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M/s Sita Flour Mills Pvt. Ltd., Industrial Area, Donar, At P.S. and District-Darbhanga, through its Director, Sri Anubhav Pansari.

.... Petitioner/s

(In CWJC No. 10420 of 2002)

For the Petitioner/s : Mr. L.K. Bajla
Mr. M.K. Choudhary
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 11237 of 2002)

For the Petitioner/s : Mr. S.S. Rekhi
Mr. Amarendra Kumar Singh
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 12094 of 2002)

For the Petitioner/s : Mr. S.S. Rekhi
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 12514 of 2002)

For the Petitioner/s : Mr. S.S. Rekhi
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 80 of 2000)

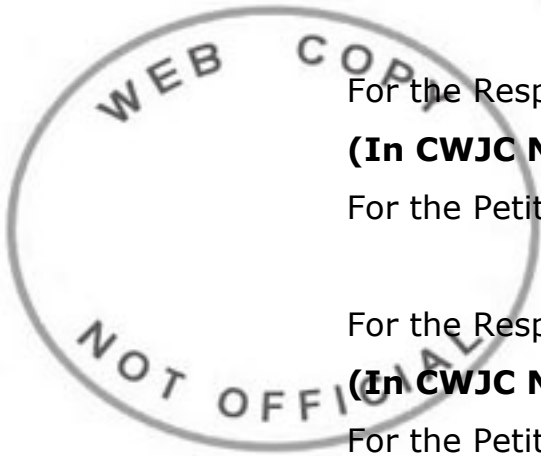
For the Petitioner/s : Mr. L.K. Bajla
Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. S.S. Rekhi
Mr. Purusottam Kumar Singh
Mr. Vinay Kirti Singh
Mr. Rahul Priyadarshi

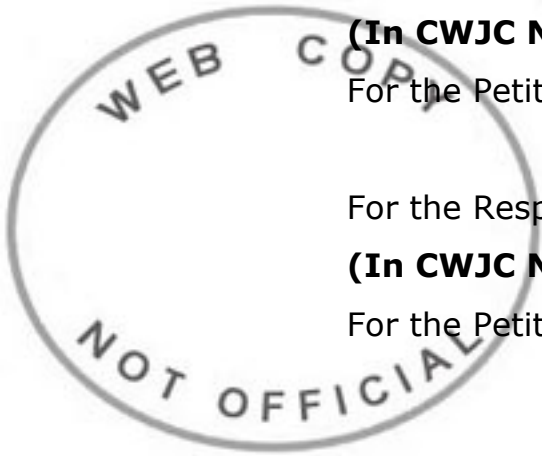
(In CWJC No. 81 of 2000)

For the Petitioner/s : Mr. L.K. Bajla
Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. S.S. Rekhi
Mr. Purusottam Kumar Singh
Mr. Vinay Kirti Singh
Mr. Rahul Priyadarshi

(In CWJC No. 106 of 2000)

For the Petitioner/s : Mr. L.K. Bajla
Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. S.S. Rekhi
Mr. Purushottam Kumar Singh





Mr. Vinay Kirti Singh
Mr. Rahul Priyadarshi

(In CWJC No. 382 of 2000)

For the Petitioner/s : Mr. L.K. Bajla
Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. S.S. Rekhi

(In CWJC No. 3749 of 2000)

For the Petitioner/s : Mr. L.K. Bajla
Mr. Pravin Kumar Sinha
Mr. Swapna Kamal
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 6347 of 2000)

For the Petitioner/s : Mr. Mrigank Mauli
Mr. Rajesh Mohan
Mr. Vijay Kumar Sin
For the Respondent/s : Mr. Vinay Kirti Singh

(In CWJC No. 339 of 2002)

For the Petitioner/s : Mr. S.S. Rekhi
For the Respondent/s : Mr. J.P. Shukla
Mr. Kumar Alok
Mr. Mohit Kumar Shah

(In CWJC No. 9092 of 2002)

For the Petitioner/s : Mr. S.S. Rekhi
For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)

Date: 13-05-2016



The present batch of applications, filed under Article 226 of the Constitution of India, involve common disputes in relation to grant of remission, in terms of Clause 13 of the H.T. Agreement, entered into between the *erstwhile* Bihar State Electricity Board (succeeded by Bihar State Power Holding Company, **hereinafter referred to as the 'Board'**) and the petitioners.

2. When C.W.J.C. No.4614 of 1999 was taken up by a learned single Judge of this Court, noticing a decision of Jharkhand High Court, in case of ***Rishi Cement Company Limited & Ors. Vs. Bihar State Electricity Board & Ors. (A.I.R. 2002 Jharkhand 1)*** to be in conflict with two decisions of this Court, in cases of ***M/s. Balajee Wire Products Vs. The Bihar State Electricity Board & Ors.***, reported in ***1995 (2) PLJR 810***, and ***M/s. Bihar Gases Limited Vs. The Bihar State Electricity Board & Ors.***, reported in ***1999 (2) PLJR 105***, referred the matter to be decided by a larger Bench. Following is the said order of reference, dated 08.03.2002, passed by learned single Judge, in C.W.J.C. No.5614 of 1999:-

"The short question which is argued at length is whether the consumer is entitled to remission on basis of the formula provided in the matter of M/s Balajee Wire Products-

