

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2172 of 2014

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Arun Kumar Mishra Son of Sri Ramakant Mishra Proprietor Arun Udyog, 105 D
Industrial Area, Barauni, P.O.- Tilarath, District- Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. Principal Secretary Industry Department Government of Bihar, Patna
3. Certificate Officer, Begusarai
4. North Bihar Power Distribution Company, Vidyut Bhawan, Bailey Road, Patna
through its Managing Director
5. Executive Engineer, Electric Supply Division, Barauni, District- Begusarai
6. Assistant Engineer, Electric Supply Division, Barauni, District- Begusarai

.... Respondents

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Appearance:

For the Petitioner : Mr. NARESH CHANDRA VERMA
For the State : Mr. ABBAS HAIDER, SC-16
For the Power Company : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-01-2016

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the respondent power company.

2. The present writ petition has been filed for quashing the
notice dated 07.09.2013 issued by the Certificate Officer, Begusarai in
Certificate Case No. 6 of 2013-14 (Annexure-3) and the relevant requisition
(Annexure-4) for realization of Rs. 7,40,698/- towards alleged energy bill as
well as for a direction to the respondents to correct the energy bill of the
petitioner after giving him the benefit of Industrial Incentive Policy, 2006.

3. Learned counsel for the petitioner submits that despite being
eligible and entitled for the benefits under the Industrial Incentive Policy,
2006 the same has not been granted to him resulting in a high pitched energy

bill sought to be recovered through Certificate proceedings. Several representations filed on behalf of the petitioner in that regard have also gone unheeded.

4. Learned counsel for the Respondent Power Company on the other hand relies on his counter affidavit to submit that the benefit of exemption claimed by the petitioner could not be considered in absence of the requisite documents being furnished by the petitioner.

5. Having regard to the nature of dispute between the parties, this Court is of the view that the ends of justice will be met by granting liberty to the petitioner to represent before the Executive Engineer, Electric Supply Division, Barauni, District Begusarai (Respondent No. 5) afresh furnishing the documents in support of his claim within a period of two weeks from today.

6. It is made clear that if the petitioner files such representation within the stipulated time no coercive action shall be taken by the Certificate Officer, Begusarai in Certificate Case No. 6 of 2013-14 till disposal of such representation by the Respondent No. 5.

7. The writ petition stands disposed of.

(Vikash Jain, J)

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