

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8623 of 2011

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M/S Saraogi Paper Mills Private Limited, A Company Incorporated Under The Provisions Of The Companies Act Having Its Registered Office At Bysack Street, Kolkata-700007, Through Its Authorized Representative Dhiraj Kumar Dhiraj, S/O Sri Birendra Prasad Singh, R/O Prabodhi Narndra, P.O. & P.S.- Sarai, Distt.- Vaishali

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna Through Its Chairman
2. The Chief Engineer (Commercial) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The General Manager-Cum-Chief Engineer Kosi Electric Supply Area, Saharsa
4. The Director Metering Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Electrical Superintending Engineer, Purnea Electric Supply Circle, Saharsa
6. The Electrical Executive Engineer, Mrt Lab, Purnea
7. The Electrical Executive Engineer, Electric Supply Division, Kishanganj
8. The Assistant Electrical Engineer, Electric Supply Division, Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the SBPDCL	:	Mr. Anand Kr. Ojha, Advocate
For the State	:	Mr. Vivek Prasad, GP-7
		Mr. Sanjay Kumar Ojha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 07-09-2016

Heard learned counsel for the petitioner and learned counsel for the respondent-Bihar State Electricity Board now the Bihar Power Distribution Company Limited.

The writ application was filed for several reliefs but it is submitted by learned counsel for the petitioner that most of them are matters to be adjudicated under Section 154 of the Electricity



Act, 2003 and, as a matter of fact, final order has already been passed therein in which the petitioner has been acquitted, against which it is stated that a revision has been filed by the respondent-Board whereas according to the respondent-Board, Criminal Appeal No. 2/2016 has been filed. Thus, the only matter which now remains to be considered herein is as to the amounts which the petitioner should pay at present and the balance being subject to the decision in the said criminal appeal.

It is submitted that another case is pending before the Ombudsman, Bihar Electricity Regulation Commission with regard to delayed payment surcharge on the amounts in question. It is also pointed out that the respondents have filed certificate case for realization of all the amounts including the amount of penalty that has been imposed.

In the above circumstances, it is directed that the respondent-Board shall file a petition before the Certificate Officer praying that the amounts covered by the Criminal Appeal as also in the matter before the Ombudsman, shall be kept in abeyance until final decision in the said matters.

So far as the remaining amounts are concerned, learned counsel for the petitioner submits that the petitioner shall pay up the same subject to adjustment of an amount of Rs. 22,50,000/-

which the petitioner had paid earlier pursuant to the order dated 30.11.2010 passed by this Court in CWJC No. 15271 of 2010. Let the same be done.

It is further made clear that it shall be open to the respondent-Board to pray before the Certificate Officer for either the petitioner giving sufficient securities for the amounts that would remain in abeyance or attachment of the property of the petitioner in the absence of the petitioner giving such security.

With the aforesaid observations and directions the writ application is disposed of.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2016
Transmission Date	