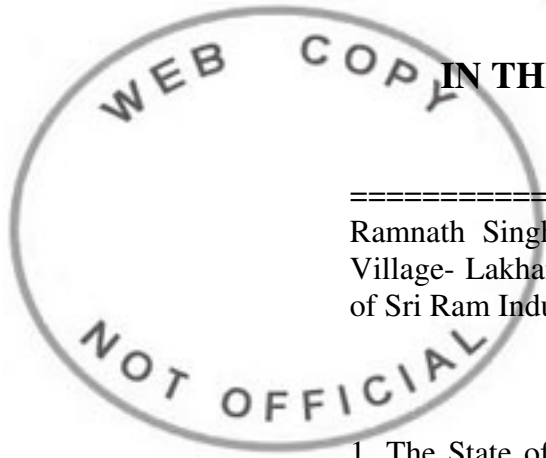




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9766 of 2014

=====

Ramnath Singh, aged about 60 years, Son of Late Nanho Singh, Resident of Village- Lakhanchan, P.O- Mokamaghat, P.S- Mokama, District- Patna, Proprietor of Sri Ram Industries.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary to the Government, Energy Department, Bihar, Patna.
2. The District Magistrate, Patna
3. The Certificate Officer- cum- Sub- Divisional Officer, Barh, District- Patna.
4. Bihar State Power Holding Corporation Limited through its Chairman.
5. The Executive Engineer, Electric Supply Division, Hathidah, Mokama.
6. The Assistant Electrical Engineer, Electric Supply Sub- Division, Hathidah, Mokama.
7. The Certificate Officer, Bihar State Power Holding Corporation Limited and Central Electric Supply Area, Patna.
8. The Officer In- Charge, Mokama Police Station, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Radha Mohan Pathak, A.C. to S.C.29
For the B.S.E.B.	:	Mr. Vinay Kirti Singh, Advocate

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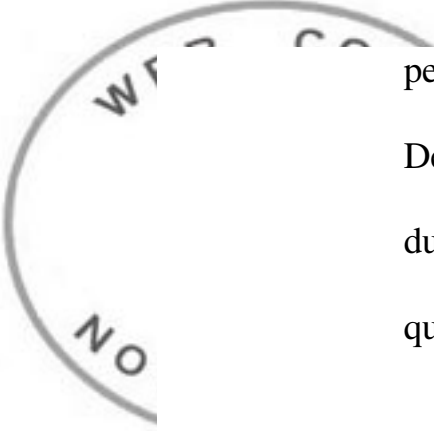
CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-04-2016

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar State Power Holding Corporation Limited.

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No.559 of 2012-13 against the

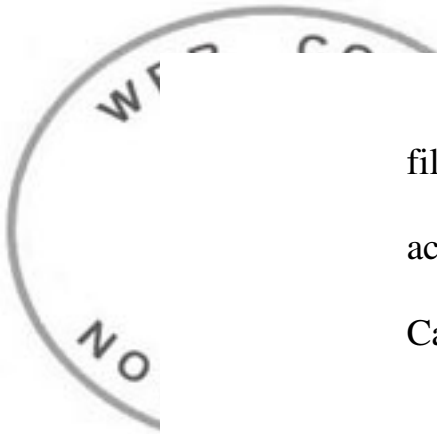


petitioner in terms of Section 7 of the Bihar & Orissa Public Demands Recovery Act (for short, “the Act”) for recovery of the dues amounting to Rs. 97,335/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of attachment has been issued against him in connection with the dues amounting to Rs. 97,335/- recoverable in terms of the notice dated 29.11.2013 issued by the Certificate Officer, Barh in Certificate Case No. 559 of 2012-13.

4. Learned counsel for the respondent-Power Company submits that the petitioner does not appear to have filed any petition under Section 9 of the Act denying his liability, and as such there is no illegality in the action of the Respondents.

5. Be that as it may, with the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the Certificate Officer on its own merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.



6. It is made clear that until disposal of such petition, if filed, the Certificate Officer, Barh shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 559 of 2012-13.

7. The writ petition stands disposed of.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22-042016
Transmission Date	