

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 22405 of 2013

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Karnail Singh Son of Late Charan Singh Resident of Mohalla - Khagaul Road, Mithapur, P.S. Jakkanpur, District - Patna Proprietor of M/s New Azad Body Builders, Zero Mile, Mahatma Gandhi Setu, Patna, District - Patna

.... Petitioner

Versus

1. The Bihar State Electricity Board, through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The General Manager - cum - Chief Engineer, PESU, Kankarbagh, Patna
3. The Electrical Executive Engineer, Kankarbagh Electrical Supply Division, Kankarbagh, Patna
4. The State of Bihar through the Certificate Officer - cum - Senior Deputy Collector, Legal Cell, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vinay Mistri

For the Respondent/s : Mr. Prakash Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 15-01-2016 Heard Sri Vinay Mistri, learned counsel for the petitioner and Sri Prakash Kumar, learned counsel, who appeared on behalf of respondent no. 1 to 3.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of a notice, contained in letter no. 261 dated 28-09-2013 issued by the Certificate Officer-cum-Senior Deputy Collector, Legal Cell, Patna in Case no. 1173 of 2003-2006 regarding demand of certificate amount to the tune of **Rs. 3,55,700/-** (three lacs fifty five thousand & seven hundred).



Learned counsel for the petitioner, by way of referring to **Annexure – 3** to the writ petition, submits that during the pendency of the certificate proceeding, the General Manager-cum-Chief Engineer, PESU on the petition filed by the petitioner had directed the Electrical Executive Engineer, Kankarbagh Electric Supply Division, Patna to revise the bill of the consumer and also directed him to file amendment petition before the Certificate Officer.

Learned counsel for the petitioner submits that in compliance with the order of the General Manager, PESU i.e. **Annexure – 3**, no petition has been filed by the Executive Engineer for amending the certificate.

Sri Prakash Kumar, learned counsel for the respondent/Board, who has filed counter affidavit on behalf of respondent no. 3, by way of referring to statement made in paragraph – 10 of the counter affidavit, submits that in view of order of the General Manager-cum-Chief Engineer, PESU, modification in the certificate is under-process.

Normally, in a certificate proceeding, if a notice is issued, against issuance of notice, directly writ petition is not required to be entertained, keeping in view the fact that under the provisions of the Public Demand Recovery Act, after issuance of

notice, one can file objection before the certificate officer.
However, in view of stand taken by the respondent in its counter affidavit, the Court proposes to dispose of the writ petition with an expectation that the parties may take appropriate steps, in view of **Annexure – 3** to the writ petition.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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