

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12666 of 2005

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M/S J M G Steels (Pvt.) Ltd., having its registered office at Tehrighat, Machharhatta, Police Station Khajekallan, Town Patna City, Distt. Patna appearing through its Director Gopi Chand Goenka, s/o Shri Musadi Lal Goenka, resident of Khajekallan, P.S. Khajekallan, Town Patna City, District Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, appearing through its Chairman, Bailey Road, P.S. Kotwali, Town & Distt.-Patna.
2. The General Manager cum Chief Engineer, Central Electricity Area, Daroga Pd. Rai Path, P.S.- Sachivalay, Town & District-Patna.
3. The Electrical Superintending Engineer, Patna Electrical Circle, R. Block, P.S.-Sachivalaya, Town & District-Patna.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.12690 of 2005

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M/s Mahabir Steel Re-rolling Mills (Since Registered as Dina Mahabir Re-rollers (Pvt.) Ltd., having its Registered Office at Agamkuan, Patna, appearing through its Manager Sunil Kumar Rohtagi, son of late Suresh Chandra Rohtagi, resident of near Bahadurpur Gumti, P.S. Patrakar Nagar, Town and District-Patna.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, appearing through its Chairman, Bailey Road, P.S. Kotwali, Town and District Patna.
2. The General Manager cum Chief Engineer, PESU Electric Supply Area, Mangles Road, P.S. Sachivalaya, Town and District Patna.
3. The Elecl. Superintending Engineer, PESU (East), Electrical Circle, Shivalaya Market, Ashok Rajpath, P.S. Pirbahore, Town and District Patna
4. The Deputy General Manager cum E.S.E., PESU Electrical Supply Area, Mangles Road, P.S. Sachivalaya, Town and District Patna

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.12695 of 2005

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M/S Dina Metals Limited, having its registered office at Abdul Rahmanpur Road, Didarganj, Patna City, appearing through its Director, Prabhu Dayal Bhartiya, son of late Mangilal Bhartiya, resident of Chajjubagh, P.S. Ghandi Maidan, Town and District Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Bailey Road, P.S. Kotwali, Town and District Patna appearing through its Chairman
2. The General Manager cum Chief Engineer, Patna Electric Supply Undertaking, Mangles Road, P.S. Sachivalaya, Town and District Patna.



3. The Elecl. Superintending Engineer, PESU (East) Circle, Shivalaya Market, Ashok Rajpath, P.S. Pirbahore, Town and District Patna
4. The Deputy General Manager cum E.S.E., PESU Electricity Area, Mangles Road, P.S. Sachivalaya, Town and District Patna

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.12782 of 2005

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M/S J M G Steels (Pvt.) Ltd., having its registered office at Tehrighat, Machharhatta, Police Station- Khajekalan, Town Patna City, Distt. Patna appearing through its Director Gopi Chand Goenka, s/o Late Musadi Lal Goenka, resident of Khajekallan,, P.S. Khajekallan, Town Patna City, District Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, appearing through its Chairman, Bailey Road, P.S. Kotwali, Town & Distt.-Patna.
2. The General Manager cum Chief Engineer, Central Electricity Area, Daroga Pd. Rai Path, P.S.- Sachivalay, District-Patna.
3. The Electrical Superintending Engineer, Patna Electrical Circle, R. Block, P.S.-Sachivalaya, Town & District-Patna.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.13192 of 2005

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M/S J M G Steels (Pvt.) Ltd., having its registered office at Tehrighat, Machharhatta, Police Station Khajekallan, Patna City, Distt. Patna and its Works at Fatwah, Distt. Patna appearing through its Managing Director, Gopi Chand Goenka, s/o Late Musadi Lal Goenka, resident of Machharhatta, P.S. Khajakellan, Town Patna City and District Patna

.... Petitioner/s

Versus

1. Bihar State Electricity Board, appearing through its Chairman, Bailey Road, P.S. Kotwali, Town & Distt.-Patna.
2. The General Manager cum Chief Engineer, Central Bihar Electric Supply Area, Daroga Prasad Rai Path, P.S.-Sachivalaya, Town & Distt. Patna.
3. The Secretary, Bihar State Electricity Board, Bailey Road, P.S.-Kotwali, Town & Distt.-Patna.
4. The Elecl. Superintending Engineer, Patna Electrical Circle, R. Block, P.S. Sachivalaya, Town & District- Patna
5. The Revenue Officer-cum-Elecl. Executive Engineer, Commercial and Revenue Division, Patna Electrical Circle, R. Block, P.S. Sachivalaya, Town & District-Patna
6. The Asstt. Elecl. Engineer, Fatwah Electric Supply Sub-division, Fatwah, Town –Fatwah, District-Patna.

.... Respondent/s



For the Petitioners : Mr. S.S.Rekhi, Advocate
For Respondent-SBPDCL : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kumar Verma, Advocate
Mr. Akhileshwar Singh, Advocate

6 22-09-2017 Learned counsel for the petitioners is permitted to
file their written arguments.

Heard learned counsel for the petitioners and Mr. Vinay Kirti Singh, learned Senior Counsel appearing on behalf of the South Bihar Power Distribution Company Limited.

The present batch of writ applications are being heard and decided together in view of the decisions rendered in a similar/identical matter, being C.W.J.C. No. 12129 of 2005, which was heard and decided on 02.05.2017.

The said writ application (C.W.J.C. No. 12129 of 2005) was allowed by quashing the orders dated 15.05.2004 and 21.01.1999, passed by the General Manager-cum-Chief Engineer, Kosi Electric Supply Area, Saharsa, under Clause 13 of the H.T. Agreement and by the said order the matters were remitted back to the Chief Engineer (Commercial) of the respective Power Distribution Companies for their consideration and decision in accordance with law. The said decision was to be made positively within a period of three



months from the date of receipt/production of a copy of the said judgment/order.

The present applications are thus being disposed of, with the consent of the parties, in the light of the observations made in the aforementioned writ application (CWJC No.12129 of 2005), which will also hold good in these present writ applications.

Accordingly, the present batch of writ applications are disposed of by setting aside the impugned orders in the respective writ applications with directions as stated hereinafter:

(i) In CWJC No.12666 of 2005, the order dated 29.08.2005, as contained in Annexure 1, issued by the General Manager cum Chief Engineer, Central Electricity Area, District-Patna (Respondent No.2) as also para-2 of the guidelines as contained in Notification No.810 dated 29.07.1994 (Annexure-3) are set aside.

(ii) In CWJC No.12690 of 2005, the order dated 14.05.2005, as contained in Annexure 1, passed by the General Manager cum Chief Engineer, PESU Electric Supply Area, District Patna (Respondent No.2) as also para 2 of the guidelines as contained in Notification No. 810 dated 29.07.1994 (Annexure 3) issued by the Secretary, Bihar State Electricity Board, Patna are quashed.



(iii) In CWJC No.12695 of 2005, the order dated 11.07.2005 passed by the General Manager cum Chief Engineer, Patna Electric Supply Undertaking, District Patna (Respondent No.2) and communicated vide letter dated 20.07.2005 issued by the Deputy General Manager Cum E.S.E., PESU, Electricity Area, Patna (Respondent No.4), as contained in Annexure 1, as also para-2 of the guidelines as contained in Notification No.810 dated 29.07.1994 (Annexure-3) issued by the Secretary, Bihar State Electricity Board, Patna are set aside.

(iv) In CWJC No.12782 of 2005, the order dated 29.08.2005, as contained in Annexure-1, passed by the General Manager Cum Chief Engineer, Central Electricity Area, Patna (Respondent No.2) as also para-2 of the guidelines, as contained in Notification No.810 dated 29.07.1994 (Annexure-3), issued by the Secretary, Bihar State Electricity Board, Patna are set aside.

(v) In CWJC No.13192 of 2005, para-4(c) of the guidelines, as contained in Notification No.810 dated 29.07.1994 (Annexure-4), issued by the Secretary, Bihar State Electricity Board, Patna (Respondent No.3) as also the consequential bill dated 19.09.2005 (Annexure-1), which includes the delayed payment surcharge/interest of Rs.14,86,861/- as stated in Annexure-1 and the order dated



29.08.2005 (Annexure-3), issued by the General Manager cum Chief Engineer, Central Electric Supply Area, Patna (Respondent No.2), are quashed and set aside.

These matters are now remitted back to the competent authority, being the Chief Engineer (Commercial) of the South Bihar Power Distribution Company Limited, for fresh consideration and decision in accordance with law. The said decision should be taken positively within a period of three months from the date of receipt/production of a copy of the order.

These writ applications thus stand allowed.

(Anjana Mishra, J)

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