

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12937 of 2007

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1. M/S Sudha Talkies, Gorakshni Road, Manpur, Gaya, through its Proprietor Sri Basist Narain Singh son of late Ram Khelawan Singh, resident of Gorakshni Road, Manpur, Gaya, District-Gaya.
 2. Basist Narain Singh son of Late Ram Khelawan Singh, resident of Gorakshni Road, Manpur Gaya, District-Gaya.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, a body constituted under the Indian Electricity Act, 1910 having its Head Office at Vidyut Bhawan, Bailey Road, Patna through its Chairman.
2. The General Manager-cum-Chief Engineer, Bihar State Electricity Board, Magadh Electric Supply Area, Gaya.
3. The Electrical Superintending Engineer, Gaya Electrical Circle, Gaya.
4. The Electrical Executive Engineer, Gaya Electrical Circle, Gaya.
5. The Assistant Electrical Engineer, Electrical Sub-Division, Manpur, Gaya.
6. The Certificate Officer, Gaya, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Pd.
Mr. Tej Bahadur Roy
For the Respondent/s : Mr. Vinay Kirti Singh, SC 11
Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-01-2017

Heard learned counsel for the petitioner and learned counsel for the Bihar State Electricity Board.

In the present case, the petitioner is challenging the initiation of Certificate Case No. 9/1996-97, submitting that the Electricity Board has sent the requisition of the electric bill, which has been included not only the bill of his establishment but also the electric bill of other establishment. He has filed the objection under section 9 of the Public Demands Recovery Act pointing out the defect



in the requisition whereupon the Certificate Officer has asked the Authority to produce the ledger, register and copy of agreement with respect to the petitioner.

During the pendency of this writ application, the Certificate Officer has issued the warrant of arrest, which has been stayed by this Court vide order dated 17.09.2008.

As the matter is basically lying before the Certificate Officer and he has raised the factual dispute with respect to his liability to pay the amount of the bill, which can only be looked into by the Certificate Officer, inasmuch as he has also submitted that the Proprietor of Sudha Talkies will not be liable, it is Sudha Talkies will be liable, as the party to the agreement is Sudha Talkies, not its Proprietor and placed reliance on the judgment reported in 2002 (2) PLJR 553 (Kanhaiya Lal vs. State of Bihar), but the petitioner has not disputed this aspect of the matter that Sudha Talkies is not statutory body nor is incorporated under the Act, it is basically a Proprietorship firm is run under the Proprietor. As all the matters are pending before the Certificate Officer, it will not be appropriate for this Court to give any finding on the merit as well as on law.

Let the Certificate Officer decide the objection of the petitioner and pass a final order. The petitioner, if so advised, may file his additional objection and if it is filed, the Certificate Officer will



also consider the grounds mentioned in the additional objection. All the exercises should be completed within a period of six months from the date of receipt/production of a copy of this order.

The interim order of stay will continue till the final order is passed by the Certificate Officer on its merit. This order will not be applicable in the event if the certificate proceeding is not pending.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.01.2017
Transmission Date	

