

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6231 of 2000

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M/S Chaudhary Cold Storage and Food Preservation, Hat Saraiya, Bettiah,
district West Champaran, through its partner Sri Banwarilal Chaudhary

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Bailey Road, Patna through its Chairman
2. The General Manager cum Chief Engineer, Tirhut Area Electricity, Muzaffarpur.
3. The Electrical Superintending Engineer, Bettiah Electrical Circle, Bettiah.
4. The Electrical Executive Engineer (Commercial & Revenue), Bettiah Electric Division, Bettiah

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.1050 of 2001

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JMG Steel Pvt. Ltd having its registered office at Guru Gobind Singh Path,
Patna City, appearing through its Director, Gopi Chand Goenka, s/o Shri
Musadhi Lal Goenka, resident of Terighat, P.S. Khajekalan, town Patna
City, district Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Bailey Road, P.S. Kotwali, Patna appearing through its Chairman
2. The General Manager cum Chief Engineer, Central Bihar Area Electricity Board, Daroga Prasad Rai Path, P.S. Sachivalaya, town and district Patna.
3. The Electrical Executive Engineer, (Com. & Rev.), Patna Electric Supply Circle, district Patna.
4. Assistant Electrical Engineer, Fatwah Electrical Supply, sub-division, Patna

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.4215 of 2003

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1. Messers Electro Carbons(India) Private Limited, Begusarai Industrial Area, Tilrath, Post Office Tilrath, District Begusarai through Indrajeet Singh Ahluwalia
 2. Indrajeet Singh Ahluwalia, working for gain as Director, Messers Electro Carbons (India) Private Limited Begusarai and residing at Dilmohan Kaur, Begusarai, P.S. Ulao, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Electricity Board, having its registered office at Vidyut Bhawan, Bailey Road, Patna-800001.



3. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001.
4. Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
5. Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
6. Technical Secretary to Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
7. The Under Secretary to the Member (Administration) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
8. Technical Secretary to member, Finance, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-800001
9. General Manager cum Chief Engineer, Mithila Area, Electricity Board, Darbhanga, Bihar.
10. Electrical Engineer (Commercial cum Revenue), Electrical Circle, Samastipur.
11. The Electrical Superintending Engineer, Electrical Circle, Samastipur
12. The Electrical Executive Engineer, Electric Supply Division, Bihar State Electricity Board, Barauni, Begusarai.
13. Deputy Revenue Officer, Bihar State Electricity Board, Electric Supply Division, Barauni, Begusarai.
14. Assistant Electrical Engineer, Electric Supply sub-division, Bihar State Electricity Board, Barauni, Begusarai
15. Deputy Director of Accounts (Revenue), Department of Revenue, Bihar State Electricity Board, Patna.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.4722 of 2004

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M/S S.S.L.Steels Ltd. [Formerly Known as M/s Suprabhat Steels Ltd.], a Company incorporated under the Companies Act, 1956 having its Registered Office at Duggal House, Bank Road, Patna through one of its Directors, Kripa Shankar Pandey, S/o late Kashi Nath Pandey, Resident of Sri Ram Bhawan, New Dak Bunglow Road, Patna.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
2. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through its Chairman
3. The General Manager-cum-Chief Engineer, Central Electric Supply Area, Serpentine Road, Patna
4. The Assistant Electrical Engineer, Commercial & Revenue, Bhojpur Electrical Circle Ara.

.. Respondent/s

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with

Civil Writ Jurisdiction Case No.12496 of 2005

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M/S Dina Metals Ltd. Having its registered office at Abdul Rahmanpur Road, Dodarganj, Patna City appearing through its Director, Prabhu Dayal Bhartiya son of late Mangilal Bhartiya, resident o Chajjubagh, P.S. Ghandi Maidan, town and district Patna



..... Petitioner/s

Versus

1. The Bihar State Elec. Board appearing through its Chairman, Vidyut Bhavan, Bailey Road, P.S. Kotwali, Town and district Patna
2. The General Manager cum Chief Engineer, Patna Electricity Supply Undertaking, 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 Elec. Executive Engineer (Technical), PESU (East), Electrical Circle, Shivalaya Market, Ashok Rajpath, P.S. Pirbahore town and district Patna
5. The Deputy General Manager cum E.S.E., PESU Electric Supply Area, Mangles Road, P.S. Sachivalaya town and district Patna

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.12655 of 2005

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M/S Dina Mahabir Steel Re-Rolling Mill (Since registered as Dina Mahabir Re-Rollers (Pvt.) Limited 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 Elec. Board appearing through its Chairman, Vidyut Bhavan, Bailey Road, P.S. Kotwali, Town and district Patna
2. The General Manager cum Chief Engineer, PESU Electricity Supply Area, 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 Elec. Executive Engineer (Technical), PESU (East) Circle, Shivalaya Market, Ashok Rajpath, P.S. Pirbahore town and district Patna
5. The Deputy General Manager cum E.S.E., PESU Electric Supply Area, Office of the General Manager cum Chief Engineer, Mangles Road, P.S. Sachivalaya town and district Patna

..... Respondent/s

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Appearance :

For the Petitioners : Mr. S.S. Rekhi
Mr. Suraj Samdarshi
For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 18-09-2017 Learned counsel for the petitioner is permitted to file his written arguments.



Heard learned counsel for the petitioner and learned Senior Counsel appearing on behalf of the North Bihar and also 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 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 the 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.6231 of 2000, the order dated 17.06.2000, vide Memo No. 3753 as contained in Annexure 4, issued by the General Manager cum Chief Engineer, Tirhut Area Electricity, Muzaffarpur (Respondent No.2) is set aside.

(ii) In CWJC No.1050 of 2001, the order dated 15.11.2000, as contained in Annexure 1, passed by the General Manager cum Chief Engineer, Central Bihar Area Electricity Board, Patna (Respondent No.2) is set aside.

(iii) In CWJC No.4215 of 2003, the order dated 14.11.2002 issued vide Memo No. 3906 as contained in Annexure-1 passed by the General Manager cum Chief Engineer, Mithila Area Electricity Board, Darbhanga (Respondent No. 9) is set aside.

(iv) In CWJC No. 4722 of 2004, the order dated 20.02.2004, issued vide Letter No. 1230 as contained in Annexure-1, passed by the Electrical Executive Engineer (Rev.), Central Electric Supply Area, Patna is set aside.

(v) In CWJC No. 12496 of 2005, the order dated 29.07.1994 issued vide Notification No. 810 as contained in Annexure-3 passed by the Secretary, Bihar State Electricity Board Patna, as also bills contained in Annexure-I and I/A are set aside.

(VI) In CWJC No. 12655 of 2005, the order dated



29.07.1994 issued vide Notification No. 810 as contained in Annexure-3 passed by the Secretary, Bihar State Electricity Board Patna, as also bills contained in Annexure-I and I/A 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 and the North 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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