

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6676 of 2005

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M/S Jamuna Flour & Oil Mills (Private) Ltd. a company incorporated under the Indian Companies Act, having its factory and office at Binodpur, Katihar through its Chief Executive Sri Shree Krishna Choudhary, son of lat Radha Krishna Choudhary, resident of mohalla-Binodpur, P.S. Town thana Katihar, Distirct Katihar.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, a corporate body constituted under the Electricity (supply) Act, 1948 having its registered office at Bailey Road, Patna through its Chairman.
2. The General Manager-cum-Chief Engineer, Kosi Area Electricity Board, Saharsa.
3. The Electrical Superintending Engineer, Purnia Electrical Circle, Purnia.
4. The Electrical Executive Engineer, Electric Supply Division, Katihar
5. The Electrical Executive Engineer (commercial & Revenue) Purnia Electrical Circle, Purnia.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.12221 of 2005

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M/S Panna Paper Mills(P)Ltd., Forbesganj (Araria) through its Director, Sri Vijay Kumar Bayanwala, son of Late Leeladhar Bayanwala, resident of Forbesganj, P.S. Forbesganj, District Araria

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The General Manager-cum-Chief Engineer, Kosi Electric Supply Area, Saharsa
3. The Electrical Superintending Engineer, Purnia Electrical Circle, Purnia
4. The Electrical Executive Engineer, (Com. & Rev.) Purnia Electrical Circle, Purnia
5. The Electrical Executive Engineer, Electric Supply Division, Forbesganj (Araria)

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.12572 of 2005

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M/S Panna Paper Mills(P)Ltd., Forbesganj (Araria) through its Director, Sri Vijay Kumar Bayanwala, aged about 64 years, son of Late Leeladhar Bayanwala, resident of Forbesganj, P.S. Forbesganj, District Araria

.... Petitioner/s



Versus

- 1. The Bihar State Electricity Board, Bailey Road, Vidyut Bhawan, Patna, through its Chairman,
- 2. The General Manager-cum-Chief Engineer, Kosi Electric Supply Area, Saharsa
- 3. The Electrical Superintending Engineer, Purnia Electrical Circle, Purnia
- 4. The Electrical Executive Engineer, (Com. & Rev.) Purnia Electrical Circle, Purnia
- 5. The Electrical Executive Engineer, Electric Supply Division, Forbesganj (Araria)

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.13324 of 2005

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M/S Shew Vijay Udyog, Forbesganj (Araria) through its Partner, Sri Vijay Kumar Bayanwala, aged about 64 years, son of Late Leeladhar Bayanwala, resident of Forbesganj, P.S. Forbesganj, District Araria

..... Petitioner/s

Versus

- 1. The Bihar State Electricity Board, Bailey Road, Vidyut Bhawan, Patna, through its Chairman,
- 2. The General Manager-cum-Chief Engineer, Kosi Electric Supply Area, Saharsa
- 3. The Electrical Superintending Engineer, Purnia Electrical Circle, Purnia
- 4. The Electrical Executive Engineer, (Commercial & Revenue) Purnia Electrical Circle, Purnia
- 5. The Electrical Executive Engineer, Electric Supply Division, Forbesganj (Araria)

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.14298 of 2005

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M/S Sita Flour Mills (P) Ltd. through its Director, Anubhav Pansari, son of Santosh Kumar Pansari, resident of donar Darbhanga, P.S. Darbhanga, Town, District Darbhanga.

..... Petitioner/s

Versus

- 1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
- 2. General Manager-cum-Chief Engineer Mithila Electric Supply Area, Darbhanga.

..... Respondent/s

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Appearance :

(In CWJC No.6676 of 2005)

For the Petitioner/s : Mr. Ratan Prasad Sinha, Adv
Mr. Ajay Prasad, Adv.



For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Vijay Kumar Verma, Advocate
Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 03-10-2017 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 North 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. 6676 of 2005, the order dated 26.04.2005, issued vide letter no. 988, as contained in Annexure 10, by the General Manager cum Chief Engineer, Kosi Area, Electricity Board, Saharsa (Respondent No.2) is set aside.

(ii) In CWJC No.12221 of 2005, the order dated 13.10.2004, issued vide letter no. 2334, as contained in Annexure 6, passed by the General Manager cum Chief



Engineer, Kosi Electric Supply Area, Saharsa is quashed.

(iii) In CWJC No.12572 of 2005, the order dated 09.05.2005, and communicated vide letter no. 1128 as contained in Annexure- 3 passed by the General Manager cum Chief Engineer, Saharsa (Respondent No.2) is set aside.

(iv) In CWJC No.13324 of 2005, the order dated 01.06.2005, and communicated vide letter no. 1324 dated 02.06.2005, as contained in Annexure- 4 passed by the General Manager Cum Chief Engineer, Kosi Electricity Supply Area, Saharsa (Respondent No.2) as contained in Annexure- 4 is set aside.

(v) In CWJC No.14298 of 2005, the order dated 10.03.2004, as contained in Annexure- 1 passed by the General Manager Cum Chief Engineer, Mithila Electricity Supply Area, Darbhanga (Respondent No.2) is set aside.

These matters are now remitted back to the competent authority, being the Chief Engineer (Commercial) of 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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