

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No.4282 of 2000**

Century Textile & Industries Ltd., a Limited Company having its registered office and ahving its unit namely Century Cement at Baikunth, District Raipur (MP) (Now CG)

---- Petitioner

Versus

1. Chhattisgarh State Power Distribution Co. Ltd., having its registered Office at Sewa Bhawan, Dangania, Raipur (Chhattisgarh) through its Managing Director
2. Superintending Engineer (O&M) Chhattisgarh State Power Distribution Co. Ltd., Sewa Bhawan, Dangania, Raipur (Chhattisgarh)

---Respondents

For petitioner	:	Mr.Ashish Shrivastava, Advocate
For Respondents	:	Mr.Alok Bakshi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/04/2017

Heard.

1. The petitioner calls in question the order dated 2.12.1999 by which the amount due to the petitioner to the extent of ₹ 8.49 lacs have been appropriated towards surcharge.
2. Learned counsel for the petitioner would submit that such an appropriation of amount of ₹ 8.49 is *ex-facie* illegal as the amount due on account of vacation of stay in WP No.4103/95 has already been recovered by the Board. He would further submit that the petitioner has already made a representation against the same vide Annexure P/6, but that has not been considered and decided and amount in question has not been refunded to the petitioner.
3. On the other hand, learned counsel for the respondents would oppose the writ petition.

4. It is clear from the record that an amount of ₹ 8.49 lacs, which was due to be refunded by the respondents/Board to the petitioner, has been adjusted by the impugned order as surcharge. No opportunity of hearing was given to the petitioner nor any representation has been considered and decided though representation has been made.
5. In view of above, it is directed that if the petitioner makes fresh representation within a period of four weeks from today claiming that he is entitled for ₹ 8.49 lacs and no surcharge can be levied, the respondents/Board shall consider and decide such representation afresh within a period of four weeks from the date of making the representation and pass reasoned and speaking order as to whether the petitioner is entitled for ₹ 8.49 lacs keeping in view that the order Annesure P/5 has been passed without an opportunity of hearing to the petitioner and keeping in view the order passed in WP 4103 of 1995.
6. With the aforesaid observation, the writ petition finally stands disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-