

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1805 of 2018

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M/s Jyoti Moulders Pvt. Ltd. A Company incorporated under the provisions of Companies Act having its Unit at Mohammadpur Kothiya, P.S.- Didarganj, District- Patna through its Director, Vikram Banka, Son of Shri Prakash Chandra Banka, Resident of A-3D Aalakhraj Apartment, East Boring Canal Road, P.S.- Budha Colony, District- Patna.

.... Petitioner

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, through its Chairman.
2. The General Manager-cum-Chief-Engineer, Central Area Electric Supply, 9 Serpentine Road, Patna.
3. The Electrical Superintendent Engineer, Patna Electric Supply, R-Block, Patna.
4. The Electrical Executive Engineer, Supply Division, Fatuah.
5. The Electrical Executive Engineer, Commercial & Revenue, Patna Electrical Circle, Patna.
6. The Assistant Electrical Engineer, Commercial & Revenue, Patna Electrical Circle, Patna.
7. The Assistant Electrical Engineer, Didarganj, Patna City, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Tuhin Shankar, Advocate.
For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate.
Mr. Akhileshwar Singh
Mr. Vijay Kumar Verma, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

As prayed, learned counsel for the petitioner is permitted to implead the South Bihar Power Distribution Corporation, Bihar, Patna as respondent no. 8 in course of the day.

2. The present writ petition has been filed for a direction to the respondent Bihar State Electricity Board to refund Rs. 23,92,471.00 which had been realized from the petitioner as a penalty for purported theft of electricity, together with interest thereon.

3. Learned counsel for the petitioner submits that pursuant to the acquittal of its Director Vikram Banka in terms of judgment dated 03.05.2017 passed by Sub-Judge-cum-A.C.J.M. IV, Patna City in Trial No. 1205/17, the petitioner has become entitled to refund of Rs. 23,92,471.00 which had been realized from the petitioner as



penalty.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances of the petitioner, this writ petition is disposed of, granting liberty to the petitioner to approach the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna (Respondent No. 1) with a fresh representation for redressal of its grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation together with statutory interest on the admitted dues, having regard to the provisions of Section 154(6) of the Electricity Act, 2003. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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