

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15014 of 2016

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Sabitri Devi wife of Late Radha Mohan Singh Resident of Village - Pothai, P.O. -
Basuhar, P.S. - Punpun, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Energy Secretary, Government of Bihar, Thrid
Secretariat, Patna.
2. The Chairman South Bihar State Power Distributing Company Ltd. Bailey Road
Income Tax.
3. The Managing Director, South Bihar Power Distribution Company Limited ,
Bailey Road, Income Tax.
4. The General Manager, South Bihar Power Distribution Company Limited ,
Bailey Road, Income Tax.
5. The South Bihar State Power Distributing Company Limited , Bailey Road
Income Tax.
6. The Executive Engineer, Power Supply Division , Masaurhi.
7. The Superintendent Engineer, Patna Power Circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Dilbar Krishna, Advocate
For the SBPDCL	:	Mr. Vinay Kirti Singh, Sr. Advocate with Mr. Akhileshwar Singh and Mr. Vijay Kr. Verma, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 05-03-2018

Heard learned counsel for the petitioner and South
Bihar Power Distribution Company Limited (hereinafter referred to as
the 'Company').



2. Supplementary counter affidavit has been filed on behalf of respondents no. 2 to 6 in which the stand is that all admitted dues of the petitioner have been sanctioned and cheques prepared. Copies of four cheques have also been annexed with the supplementary counter affidavit.

3. Learned counsel for the Company submitted that the petitioner may go and collect the said cheques from the respondent no. 6.

4. Learned counsel for the petitioner submitted that the dues were required to be paid in the year 1998 but having been paid after a long delay, interest be also awarded.

5. Learned counsel for the Company submitted that there is no provision of any statutory interest and further no relief was claimed by the petitioner in the Title Suit and also that the matter has not attained finality as the issue is pending before this Court in Second Appeal No. 13 of 2017.

6. Having considered the matter, the writ petition stands disposed off with liberty to the petitioner to receive the cheques from the authorities concerned. As the petitioner had moved in Title Suit in terms of the liberty given earlier by the Court in C.W.J.C. No. 3876 of 1986, all reliefs which the petitioner wanted had to be agitated in the suit and the High Court had not entertained her plea.



7. In view thereof, the petitioner’s remedy lies in the proceedings arising out of the said Title Suit and this Court would not go into such issue.

(Ahsanuddin Amanullah, J)

Anjani/-

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