

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9001 of 2014

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M/s Balajee Ingot India Pvt. Ltd., a company incorporated under the provisions of Companies Act, 1956 having its registered office at 11/A, Maharshi Devendra Road, 7th Floor, Room No. 10, Kolkata through its Director Ramesh Daruka, son of Shri Ratan Lal Daruka, resident of Naya Bazar, Pachna Road, P.O. & P.S. Lakhisarai, District Lakhisarai

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Co. Ltd., (erstwhile Bihar State Electricity Board, Vidyut Bhavan, Bailey Road, Patna through its Chairman at Vidyut Bhavan, Bailey Road, Patna
2. The Chief Engineer (Commercial), The South Bihar Power Distribution Co. Ltd. (the erstwhile Bihar State Electricity Board) Vidyut Bhawan, Bailey Road, Patna
3. The Electrical Superintending Engineer, Electric Supply Circle, Munger
4. The Electrical Executive Engineer, Electric Supply Division, Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Vinay Kirti Singh, Senior Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2018

As none appeared on behalf of the petitioner, the matter was passed over for a few cases. However, on repeated call, the petitioner was again not represented.

2. The present writ petition has been filed for the following reliefs :

“ i) For quashing of the report of Central Power Research Institute (CPRI for short) dated 19.01.2009 on the ground that the said report is not based on correct inputs and fact and also of the test of a tampered meter by the officials of the



respondent- Board before sending the meter for testing;.

ii) For a declaration that no penal action leading to civil or criminal consequences be taken against the petitioner on the basis of such incorrect and uncertain report;

iii) For a direction that the said report of CPRI cannot be used for any action against the petitioner in view of the nature of the report, being based on such meter which remained in the custody of the Board, after the same was removed from the premises for more than four and half months; and for any other relief(s) for which the petitioner may be found entitled to in the facts and circumstances of the present case.

3. Learned counsel for the respondents- Power Company submits that the writ petition is not maintainable inasmuch as the petitioner had earlier approached this Court in C.W.J.C. No. 15104 of 2008 for similar relief. The said writ petition was permitted to be withdrawn by order dated 16.01.2009 (Annexure-7), granting liberty to approach this Court against any adverse action taken by the authorities of the Board. It is submitted that the instant writ petition does not challenge any adverse action of the Board rather once again lays challenge to the report of the Central Power Research Institute (CPRI) dated 19.01.2009.

4. It is further pointed out that the said report of the



CPRI dated 19.01.2009 was made the basis for institution of Lakhisarai P.S. Case No. 38 of 2009 on 25.08.2009 in which a final form was submitted after investigation and accepted by the Court. The entire matter was considered in Cr. Misc. No. 34652 of 2011, which was disposed of on 22.08.2014 setting aside the order of the C.J.M., Lakhisarai dated 06.08.2009 by which the final form was accepted, and the entire case was handed over to CBI for investigation.

5. Having heard learned counsel for the respondents and on consideration of the materials on record, this Court is of the view that the present writ petition is not maintainable. This aspect of the matter stands admitted in paragraph-21 of the writ petition itself.

6. In the above view of the matter as well as in the light of the judgment of the Hon'ble Supreme Court rendered in *Sarguja Transport Service vs. State Transport Appellate Tribunal and others*, AIR 1987 SC 88, the writ petition stands dismissed.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17-11-2018
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