

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22007 of 2014

=====

M/s Freedom Plast Pvt. Ltd. through its Managing Director, Md. Afsar imam, B-38 Industrial Area Hajipur, P.S- Paswan Chauk, Hajipur, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
2. North Bihar Power Distribution Company Ltd. through its Managing Director, Vidyut Bhawan Bailey Road, Patna.
3. The Managing Director, North Bihar Power Distribution Company Ltd. Vidyut Bhawan Bailey Road, Patna.
4. The Chief Engineer, North Bihar Power Distribution Company Ltd Registered Office, Vidyut Bhawan Bailey Road, Patna.
5. The Electrical Superintending Engineer, Electrical Supply Circle, Muzaffarpur.
6. The Electrical Executive Engineer, Commercial and Revenue, Ram Dayalu Nagar, Muzaffarpur.
7. The Electrical Assistant Engineer, Electric Supply Division, Hazipur, District - Vaishali.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate.

For the Respondents : Mr. Binodji Verma, GP-17

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-10-2018

The present writ petition has been filed for quashing the letter no. 2760 dated 18.10.2014 issued under the signature of Sri A.K. Choudhary, Electrical Superintending Engineer, Electrical Supply Circle, Muzaffarpur as contained in Annexure-15 by which representation made by the petitioner on 24.04.2013 has been rejected after observing claim of the petitioner is not justified; and for



connected reliefs.

2. Learned counsel for the petitioner submits that pursuant to the order of this Court dated 21.03.2013 passed in C.W.J.C. No. 5316 of 2013 (*M/s Freedom Plast Pvt. Ltd. Vs. The State of Bihar and Ors.*) (Annexure-6), *inter alia*, granting liberty to the petitioner to file fresh objection with regard to calculation of dues, the petitioner filed a representation dated 24.04.2013 (Annexure-8). It is submitted that various issues raised, particularly in paragraphs- 2, 3, 4, 5 and 10 of the said representation have not properly been decided by the concerned authority in the impugned order dated 18.10.2014 (Annexure-15).

3. Learned counsel for the respondent-Power Company opposes the writ petition submitting that the petitioner cannot be permitted to raise the grievance against the decision contained in the impugned order dated 18.10.2014, as all the grievances had been raised in the earlier writ petition in C.W.J.C. No. 5316 of 2013 when the same was disposed of relegating the petitioner to file representation before the authorities. The impugned order has been passed validly and in accordance with law and cannot be assailed over again on similar grounds as in the previous writ petition.

4. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. A reference to the petitioner's representation as contained in



Annexure-8 discloses that the same is incomplete. Paragraphs- 2, 3, 4 and 5 in respect of which the main grievance has been raised by the petitioner are not found enclosed. As regards, paragraph-10 of the representation relating to benefit under the Industrial Development Incentive Policy 2006 and 2011 relating to the energy bill along with MMG issued for the months of March and April, 2011-12, the same has been considered and dealt with by the authorities stating that upon verification, the consumer had been provided benefits of Rs. 8,59,866.59 under the Industrial Policy in HT category. It is also not the case of the petitioner that the impugned order has been passed without opportunity of hearing nor any other error in the decision making process has been shown.

5. In the above circumstances, this Court finds the writ petition to be devoid of merit and the same accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.10.2018
Transmission Date	N.A.

