

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17455 of 2015

=====

1. Vijay Kumar Jalan,director M/s shakti PVC Pipes Industries PVT, Ltd, aged about 45 years son of late Narayan Prasad Jalan Resident of 811-Shanti Vihar Apartment , off Fraser Road, Patna-800001; post office- G.P.O. Police Station - Kotwali, District Patna. Petitioner/s

Versus

1. The Managing Director, North Bihar Power Distribution Company Limited Vidut Bhawan, Bailey Road, Patna.
2. The Electrical Executive Engineer, Electric Supply Division ,Patna City.
3. The State of Bihar .
4. The District Certificate Officer,Patna. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prakash Sahay, Adv.
For the Respondent/s : None
For the Electricity : Mrs. Renu, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-10-2018

None appears on behalf of the State, when the matter is called today.

2. The present writ petition has been filed for quashing the notice under Section 7 of the Public Demands Recovery Act (for short 'the P.D.R ACT') bearing no. 151 dated 13.07.2015 against the electricity dues amount lying in the name of Late Narain Prasad Jalan.

3. Learned counsel for the petitioner makes a short submission to assail the impugned notice, to the effect that petitioner's father Sri. Narayan Prasad Jalan died on 03.03.2011 itself (Annexure-4) whereas the impugned notice under Section 7 of the P.D.R. Act has been issued in Certificate Case No. 5/2015-16 in his name along with others much later on, which is thus wholly illegal and unsustainable in the eye of law.



4. Learned counsel for the respondent-State appears and has been heard. He is unable to controvert the stand of the petitioner. No counter affidavit has been filed on behalf of the State.

5. Learned counsel for the respondent-Power Company appears and has been heard. It is stated that information about the death of the petitioner's father was not available.

6. Having heard the parties, and on consideration of the materials on record, this Court finds merit in the writ petition.

7. A bare perusal of the notice under Section 7 of the P.D.R. Act issued in Certificate Case No. 05/2015-16 discloses that the same has been issued after the death of the petitioner's father on 03.03.2011 and hence, the same is unsustainable in law.

8. In the above view of the matter, the impugned notice under Section 7 of the P.D.R. Act issued in Certificate Case No. 05/2015-16 (Annexure-2) only in so far as it concerns Late Narayan Prasad Jalan, the petitioner's father, is hereby quashed.

9. The writ petition stands allowed, as above.

(Vikash Jain, J)

Sushma/Chandaran-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05/10/18
Transmission Date	NA

