

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24644 of 2013

1. M/S Magadh Transmission Enterprises a sole proprietorship firm in the State of Bihar having its registered office at Veena Niwas, Dadiji Sweets Lane, P.O- S.K.Puri, Patna- 800013 through its Proprietor Sri Anil Gadviya S/o Late Deonandan Prasad Singh, Resident of Veena Niwas, Dadiji Sweets Lane, Boring Road, Patna, P.O- S.K.Puri, Patna- 800013
2. Sri Anil Gadviya son of Late Deonandan Prasad Singh, Resident of Veena Niwas, Dadiji Sweets Lane, Boring Road, Patna, P.O- S.K. Puri, Patna- 800013

... .. Petitioners

Versus

1. The Bihar State Power (Holding) Company Ltd., through its Chairman-cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman- cum- Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. Bihar State Power Transmission Company Limited, Vidyut Bhawan, Bailey Road, Patna Through Its Managing Director.
4. The Managing Director, Bihar State Power Transmission Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Chief Engineer (Transmission), Bihar State Power Transmission Company Limited Vidyut Bhawan, Bailey Road, Patna.
6. The Electrical Superintending Engineer, Transmission Circle, Bihar Sharif.

... .. Respondents

Appearance :

For the Petitioners	:	Dr. Manoranjan Prasad Singh Mr. Binay Kumar, Advocates
For the Respondents	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Vijay Kr. Verma, Mr. Akhileshwar Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 17-12-2018

The present writ petition has been filed for the following reliefs –

“(i) For issuance of a writ in the nature of Mandamus and/or any other appropriate writ directing and commanding the respondents to issue a confirmatory order on the basis of technically sanctioned estimated cost for dismantling and



erection of two nos fallen towers in 220 KV Bihar Shariff-Bodh Gaya D/c Transmission line.

(ii) For issuance of peremptory order to put the respondents on appropriate term to make payment of the legitimate claim of the practitioner firm within a definite time frame.

(iii) For commanding and directing the respondent to make payment of interest in accordance with provision made under section 15 of the Micro, Small, and Medium Enterprises Development Act, 2006.

(iv) For any other appropriate relief/reliefs as your Lordships may deem fit.”

2. At the very outset, learned counsel for the petitioners fairly states that the grievance of the petitioners with respect to the first prayer for issuance of confirmatory order has since been redressed and the second prayer for making payment of legitimate claim of the petitioners need not be pressed. The same are accordingly rejected.

3. As regards the prayer for payment of interest in accordance with Section 15 of the Micro, Small, and Medium Enterprises Development Act, 2006, this Court takes note that the petitioners have not raised any claim in this regard before the respondents, rather they have rushed straightaway to this Court.

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



5. In the above circumstances, the writ petition is disposed of, granting liberty to the petitioners to raise an appropriate claim for interest with reference to the provision of Micro, Small, and Medium Enterprises Development Act, 2006 by filing a representation before the Chief Engineer (Transmission), Bihar State Power Transmission Company Limited Vidyut Bhawan, Bailey Road, Patna (Respondent No. 5) for redressal of their grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of in accordance with law after granting an opportunity of hearing to the petitioners expeditiously and preferably within a further period of eight weeks thereafter.

6. It is made clear that if upon disposal of the representation of the petitioners, they are found entitled to payment of interest, the same shall be paid to them without delay.

(Vikash Jain, J)

BT/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.12.2018
Transmission Date	N.A.

