

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2975 of 2016

In

Miscellaneous Jurisdiction Case No. 426 of 2016

- =====
1. The Bihar State Electricity Board, Now Bihar State Power (holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna through its Chief Engineer (Com) South Bihar Power Distribution Company Ltd.
 2. The South Bihar Power Distribution Company Ltd, through the General Manager cum Chief Engineer, Central Area Electricity Board, Mangles Road, Patna.
 3. The Electrical Superintending Engineer, the South Bihar Power Distribution Company Limited, Patna, Circle R- Block, Patna.
 4. The Electrical Superintending Engineer, South Bihar Power Distribution Company Limited, Electric Supply Division, Fatuha, Patna.
 5. The Assistant Electrical Engineer, South Bihar Power Distribution Company Limited, M.R.T. Patna.

.... Petitioner/s

Versus

M/s Govardhan Wire Products Pvt. Ltd, Abdul Rahmapur, Didarganj, P.S. Didarganj, Patna City, Distt. Patna through Its Director, Vivek Kasera, S/o Shri Narayan Lal Kasera, R/o Chamdoriya, Patna City, P.O. Jhauganj, P.S.- Chouk, Distt. Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Suraj Samdarshi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-08-2018 Even though the name of the learned counsel appears on the cause list but no one has appeared on behalf of the original writ petitioner.

It appears that while passing the order dated 09.09.2015 in C.W.J.C. No. 14184 of 2013 it was recorded that “.....though more than two years have passed, no writ application has been preferred against the order of the Appellate



Authority....”.

Thereafter, the Bihar State Power Distribution Company Limited filed an application for modification of the order dated 09.09.2015 stating therein that the South Bihar Power Distribution Company Limited had preferred C.W.J.C. No.19868 of 2013 challenging the Appellate Authority order dated 27.12.2012 but this fact could not be brought to the notice of the learned writ Court at the time of disposal of C.W.J.C. No. 14184 of 2013. When the said modification application was taken up for consideration in the concluding paragraph, the learned writ Court in it's order dated 09.03.2016 recorded as under:-

“The petitioner submits that in fact C.W.J.C. No. 14184 of 2013 had already been filed seeking direction upon the Power Company to implement the order of the Appellate authority dated 27.12.2012, which fact inadvertently could not be brought to the notice of the Court while passing order dated 09.09.2015.

The factual error occurring in the order dated 09.09.2015 is rectified accordingly”.

Now it is the submission of learned counsel for the petitioner that the learned writ Court has recorded the aforementioned facts contrary to what was submitted before the



Court in the modification application.

Having gone through the record, this Court finds that an error has occurred in the order dated 09.03.2016 which needs to be corrected in the following words:-

“The petitioner submits that in fact C.W.J.C. No. 19868 of 2013 had already been filed challenging the order dated 27.12.2012 passed by the Appellate Authority which fact inadvertently could not be brought to the notice of the Court while passing the order dated 09.09.2015”.

The quoted part of the order dated 09.03.2016 shall stand modified and substituted by the aforementioned quoted paragraphs.

This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

U			
---	--	--	--

