

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8906 of 2013

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M/S Prabha Electrocastings Private Limited, having its factory at Industrial Area, Raxaul (East Champaran) through its Director and Authorized Signatory, Sri Binod Kumar Sarraf Son Of Late Mohan Lal Sarraf Resident Of Shiv Mandir, Nepali Tola, P.O. & P.S. Ramnagar, District - West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Industries Government of Bihar, Patna
3. The Bihar Industrial Area Development Authority, through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna
4. The Executive Director, Regional Office, Bihar Industrial Area Development Authority, Bela, Muzaffarpur
5. The Regional Officer, Bihar Industrial Area Development Authority, Raxaul, East Champaran
6. The District Certificate Officer, East Champaran at Motihari

.... Respondents

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Appearance :

For the Petitioner : Mr. Suraj Samdarshi, Advocate

For the State : None

For Respondent-BIADA: Mr. Prashant Pratap, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-07-2018

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

“(i) For quashing of the letter dated 28.04.2012, whereby and whereunder the petitioner has been asked to commence the production, failing which the land allotted to the petitioner at Industrial Area, Raxaul would be cancelled.

(ii) For a direction to the respondent authorities not to take any coercive steps against the petitioner unless and until the dispute arising out Certificate Case No. 04/Electricity/2002-03 is finally settled;



(iii) For a direction to the respondent authorities not to conceal the land allotted to the petitioner in view of the facts of the present case wherein fresh electrical connection cannot be granted to the petitioner till final adjudication of the dispute pending before the Certificate Officer, East Champaran at Motihari;
(iv) For any other relief or reliefs to which the petitioners may be found deemed entitled to in the facts and circumstances of the case.”

2. Mr. Suraj Samdarshi, learned counsel for the petitioner, states that the dispute between the petitioner and the Power Distribution Company relating to the electrical dues stands largely resolved. The Certificate filed in Certificate Case No. 04/Electricity/2002-03 has appropriately been modified and now the outstanding dues of Rs. 10,96,536/- remains to be paid. Learned counsel for the petitioner undertakes to make payment of the aforesaid dues of Rs. 10,96,536/- within a period of two weeks.

3. None appears on behalf of the respondent-State despite repeated calls.

4. Having regard to the submission of the petitioner, the writ petition is disposed of, granting liberty to the petitioner to clear its electricity dues by making payment of the outstanding Rs. 10,96,536/- within a period of two weeks from the date of receipt/production of a copy of this judgment. If the said payment is



made within the stipulated time, the petitioner may file a representation before the Executive Director, Regional Office, Bihar Industrial Area Development Authority, Bela, Muzaffarpur (respondent no. 4) within a further period of two weeks from the date of such payment. In such event, the petitioner’s representation for grant of permission to start the unit, if allotment of land has not already been cancelled, shall be disposed of on its own merits after grant of opportunity of hearing to the petitioner in accordance with law.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.07.2018
Transmission Date	N.A.

