

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13142 of 2013

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Apurva Kumar son of Ghanshyam Narain Pandey, resident of Mohalla Seopuri,
Police Station- Shastri Nagar, District- Patna.

.... Petitioner

Versus

1. The Bihar State Electricity Board through its Chairman Vidyut Bhawan, Jawahar Lal Nehru Marg, Patna.
2. The Electrical Superintending Engineer, Electric Supply Circle, Muzaffarpur.
3. The Revenue Officer, Electric Supply Circle, Muzaffarpur.
4. The Certificate Officer, Vaishali at Hazipur.
5. The State of Bihar through Commissioner Department of Industry, Govt. of Bihar, New Secretariat, Patna.
6. The Managing Director, The Bihar State Credit and Investment Corporation BICICO, Indira Bhawan, 4th Floor Ram Chandra Singh Path, Patna-1
7. The Officer Incharge, Hazipur Industrial Estate Police Station Hazipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kundan Kumar Sinha, Advocate.
For the Resp. No. 1 : Mr. Ratan Prasad Sinha, Advocate.
For the Resp. No. 6 : Mr. Nirmal Kumar, Advocate.
For the State : Mr. Arvind Kumar, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2018

The present writ petition has been filed for a direction to the Certificate Officer, Vaishali to recall the warrant of arrest dated 04.04.2013 issued against this petitioner in Certificate Case No. 1/1999-2000 for realization of the decreed amount of Rs. 10,81,866.89 as electricity dues pending against the M/s Apic Chemical Private Limited located in the area Industrial Estate Haziur (Vaishali).

2. Learned counsel for the petitioner submits that he is



merely one of the Directors of the Company to which electrical connection had been given and as a Director, he merely represented the Company in the relevant agreement. It is submitted that recovery of the dues of the Company cannot be made from the Director personally.

3. Learned counsel for the respondents appears and opposes the writ petition inviting reference to an earlier order of this Court dated 04.02.2003 passed in C.W.J.C. No. 12270 of 2002 (Apurva Kumar Vs. The Bihar State Electricity Board & Ors.) wherein the above contention of the petitioner has already been considered and dismissed.

4. Having heard the parties and on a consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The stand with regard to non-liability of a Director in his personal capacity for the dues of the Company was not entertained as it was found that the petitioner had failed to raise this ground before the Certificate Officer in his objection petition. In view of the dismissal of C.W.J.C. No. 12270 of 2002, the petitioner cannot be permitted to raise the same ground over again. The challenge in the present writ petition for recalling the warrant of arrest dated 04.04.2013 in Certificate Case No. 01 of 1999-2000 cannot thus be faulted and no



specific infirmity in the action of the Certificate Officer in this regard has been shown by the petitioner.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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