

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15500 of 2015

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Jagarnath Prasad S/o Late Bangali Sah Resident of Village Hathsarganj, P.O. and
P.S. Hajipur, District Vaishali (Hajipur).

.... Petitioner

Versus

1. The State of Bihar, Secondary Energee Department of the Patna (Bihar).
2. Managing Director North Bihar Power Distribution Company Limited, Patna.
3. General Manager (Revenue), Electric Supply Division, Patna.
4. Electric Executive Engineer, Electric Supply Division, Hajipur, District Vaishali.
5. The Certificate Officer, Hajipur, District Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate.
For the NBPDC : Mr. Sanjay Kumar Giri, Advocate.
Mr. Pratyush P. Singh, Advocate.
For the State : Mr. Hari Mohan Mishra, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-10-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for
quashing the letter dated 24.07.2015 passed by the Certificate Officer,
Vaishali at Hajipur in which last date has been fixed on 02.09.2015 for
depositing the amount of interest and thereafter if that interest money
is not paid then to implement the warrant of arrest; and for connected
reliefs.

3. Learned counsel for the petitioner submits that an



amount of Rs.1,28,614/- has been paid on 14.05.2013 (Annexure-4) and subsequently it came to his knowledge that an amount of Rs. 40,027/- was paid in excess as on 24.03.2014 (Annexure-8) and hence the penal interest charged for delayed payment of energy dues under the Electricity Act is wholly arbitrary and illegal.

4. Learned counsel for the respondents, on the other hand, invites reference to paragraphs- 8 and 10 of the supplementary counter affidavit taking a clear stand that the interest sought to be recovered @ 12% for the period from 23.10.2010 to 13.05.2013, i.e. from the date when the certificate was filed up-to the date when the payment was made by the petitioner is recoverable under Section 17 of the PDR Act. The amount sought to be recovered is not penal interest charged by way of delayed payment surcharge for delay in payment of electricity dues.

5. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. The petitioner clearly appears to have misunderstood the nature of demand for interest as being one for delayed payment surcharge in respect of late payment of electricity dues. The respondents have specifically stated in their supplementary counter affidavit that the interest amount has been required to be paid in terms of Section 17 of the PDR Act and not by way of delayed payment



surcharge. The petitioner in his rejoinder to the supplementary counter affidavit has not disputed this aspect of the matter.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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