

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18977 of 2013

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M/S Shree Durga Roller Flour Mill Pvt. Ltd., A Company incorporated under the Indian Companies Act, 1956, having its Factory at Industrial Area, Tekuna Farm, Gaya, through one of its Directors Sri Shyam Prakash Saraogi, Son of Late Satyanarayan Saraogi Resident of 6, K.P. Road, P.S.- Kotwali, Gaya, District- Gaya

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, A Company Incorporated under the Indian Companies Act, 1956 having its Head Office At Vidhyut Bhawan, Bailey Road, Patna through its Chairman-Cum-Managing Director
2. The Managing Director, South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna
3. The Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna
4. The Electrical Superintending Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna
5. The General Manager-Cum-Chief Engineer, Magadh Electric Supply Area, Gaya
6. The Deputy General Manager-Cum-Electrical Superintending Engineer, Magadh Electric Supply Area, Gaya
7. The Electrical Superintending Engineer, Electric Supply Circle, Gaya

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 21446 of 2013

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M/S Shree Durga Roller Flour Mill Pvt. Ltd., A Company incorporated under the Indian Companies Act, 1956, having its Factory at Industrial Area, Tekuna Farm, Gaya, through one of its Directors Sri Bhanu Prakash Saraogi, Son of Late Satyanarayan Saraogi Resident of 6, K.P. Road, P.S.- Kotwali, Gaya, District- Gaya

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, A Company Incorporated under the Indian Companies Act, 1956 having its Head Office At Vidhyut Bhawan, Bailey Road, Patna through its Chairman-Cum-Managing Director
2. The Managing Director, South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna



3. The Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna
4. The Electrical Superintending Engineer (Commercial), South Bihar Power Distribution Company Limited, Vidhyut Bhawan, Bailey Road, Patna
5. The General Manager-Cum-Chief Engineer, Magadh Electric Supply Area, Gaya
6. The Deputy General Manager-Cum-Electrical Superintending Engineer, Magadh Electric Supply Area, Gaya
7. The Electrical Superintending Engineer, Electric Supply Circle, Gaya

.... Respondent/s

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Appearance :

(In CWJC No.18977 of 2013)

For the Petitioner/s : Mr. RAJ KISHORE PRASAD, ADV

For the Respondent/s : Mr. VINAY KIRTI SINGH, SR. ADV.

(In CWJC No.21446 of 2013)

For the Petitioner/s : Mr. RAJ KISHORE PRASAD, ADV

For the Respondent/s : Mr. VINAY KIRTI SINGH, SR. ADV

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2018

CWJC No.21446 of 2013

The present writ petition has been filed for quashing the order passed by the respondent General Manager-cum-Chief Engineer, vide his memo no. 2145 dated 21.05.2013 (as contained in Annexure-8 to this writ application), whereby and whereunder the claim of the petitioner under Clause 13 of the High Tension Agreement for the period 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03 and 2005-06 has been decided; and for grant of remission under Clause 13 of the H.T. Agreement to the petitioner both on the units consumed and Maximum Demand Charges on the basis of the claim filed by the petitioner for non supply of energy.



2. At the very outset learned counsel for the parties agreed that the issue involved in the present writ petition are similar to the issues involved in CWJC No. 9023 of 2013 [M/s Rega Sugar Company Limited vs. The Bihar State Electricity Board (at present known as Bihar State Power (Holding) Company Limited) & Ors.] and analogous case, disposed of by judgment dated 30.07.2018 by this Court, *inter alia*, directing as follows –

“ In the above view of the matter and with the consent of the parties, the impugned order as contained in Memo No. 7609 dated 21.11.2011 (Annexure-7) passed by the General Manager-cum-Chief Engineer, Tirhut Electric Supply Area, Muzaffarpur (respondent no. 3) is hereby quashed and the matter remitted to the respondent no. 3 to reconsider the claim of the petitioner and decide the same, after grant of opportunity of hearing to the petitioner, in accordance with law and particularly in the light of the judgment of this Court in C.W.J.C. No. 5614 of 1999 (Jai Mangla Steels Pvt. Ltd.) (supra).”

3. The writ petition accordingly stands disposed of in line with and on the same terms as the judgment dated 30.07.2018 in CWJC No. 9023 of 2013 (M/s Riga Sugar Company Limited) and analogous case (*supra*).

CWJC No. 18977 of 2013

4. The present writ petition has been filed for quashing the order dated 10.08.2013 passed by the respondent Chief Engineer



(Commercial) as communicated to the petitioner by the respondent Electrical Superintending Engineer (Commercial) vide his Memo No. 662 dated 13.08.2013; and for connected reliefs.

5. Considering that the issue relating to remission itself having been remanded to the General Manager-cum-Chief Engineer, Magadh Electric Supply Area, Gaya (Respondent No. 5) for fresh decision vide judgment passed today in CWJC No. 21446 of 2013, with the consent of the parties, the present writ petition is disposed of with the direction that the impugned order shall remain in abeyance for the time being and abide by the final result on the issue of remission by the General Manager-cum-Chief Engineer, Magadh Electric Supply Area, Gaya (Respondent No. 5).

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2018
Transmission Date	NA

