

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.613 of 2018

In
Civil Writ Jurisdiction Case No.3391 of 2017

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M/s. Maa Mundeshwari Cycle Udyog Pvt. Ltd., a Company incorporated under the provisions of the Companies Act, 1956 having its place of business at Urmila Villa, Surya Mandir Road, Aurangabad through one of its Directors, Shyam Kishore Prasad, son of Late Deo Nandan Prasad, resident of at Urmila Villa, Surya Mandir Road, P.S.-Town Aurangabad, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through Sri Pratyaya Amrit, the Principal Secretary, Department of Energy, Government of Bihar, 3rd Secretariat, Patna.
2. Sri Pratyaya Amrit, Department of Energy, Government of Bihar, 3rd Secretariat, Patna.
3. Sri S. Sidhartha, Principal Secretary cum Industrial Development Commissioner, Industry Department, Vikas Bhavan, Bailey Road, Patna.
4. Sri Pratyaya Amrit, the Bihar State Power (Holding) Co. Ltd. Having its office at Vidyut Bhavan, Bailey Road, Patna.
5. Sri R. Laxmanan, the Chairman cum Managing Director, Bihar State Power (Holding) Co. Ltd. having its office at Vidyut Bhavan, Bailey Road, Patna.
6. Sri R. Laxmanan, the Managing Director, the South Bihar Power Distribution Co. Ltd., having its office at Vidyut Bhavan, Bailey Road, Patna.
7. Sri R. Laxmanan, the Managing Director, the Sought Bihar Power Distribution Co. Ltd., having its office at Vidyut Bhavan, Bailey Road, Patna.
8. Sri Narendra Kumar, the Chief Engineer (Commercial Cell), South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road, Patna.
9. Sri Vijay Kumar Srivastava, the Electrical Superintending Engineer, Electric Supply Circle, Gaya.
10. Mritunjay Kumar Singh, the Executive Engineer, Aurangabad Division, Aurangabad.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate
Mrs. Priya Gupta, Advocate
Ms. Vipula Kanojia, Advocate



For the Respondent/s : Mr. Yogendra Prasad Sinha - AAG -7
Mr. Subhash Pd. Singh, G.A.-3
For the S.B.P.D.C.L. : Mr. Anand Kumar Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 01-08-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the South Bihar Power Distribution Company.

2. This Court vide judgment and order dated 27.11.2017 has decided that the petitioner-company is entitled to exemption of A.M.G. charges as per the Industrial Policy of the State Government, which was enforced from 2011. For certain period, the petitioner-company was granted the benefit of exemption, but later on, it was stopped having stated that as the life of the policy is over, so the benefit of exemption of A.M.G. charges cannot be extended any more.

3. This Court has decided, the petitioner-company will be entitled to the benefit for five years from the date of production. It cannot be curtailed upto the life of the Industrial Policy and the order of this Court has been implemented by the State Government.

4. From the record, it appears that the petitioner-company has come in production on 18.09.2013 and as such, the



benefit would start from that day and it will come to an end in August, 2018. There is no dispute that for certain period the petitioner-company was granted the benefit of exemption of A.M.G. charges but the same has not been granted for the rest period.

5. A chart has been brought before this Court by the South Bihar Power Holding Company, showing that the petitioner-company would be entitled to the benefit from July, 2016 to April, 2018, but admittedly, the South Bihar Power Distribution Company confirms that the petitioner-company will be entitled to the benefit upto August, 2018.

6. The question of adjustment of amount cannot be adjudicated in the contempt proceeding. It will be proper that the petitioner-company should appear before the Chief Engineer (Commercial), South Bihar Power Distribution Company, who will be obliged to inform the petitioner-company about the quantum of amount and the period of benefit of exemption conferred to the petitioner, inasmuch as, in what manner the adjustment has been made as per the Scheme of the State Government. If the petitioner-company would be dissatisfied with the outcome before the Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, he will be at



liberty to approach before any Authority, Court or Forum. It is expected that the Chief Engineer (Commercial) will dispose of the matter preferably within a period of eight (8) weeks from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this contempt petition is disposed of.

(Shivaji Pandey, J)

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