

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12388 of 2018

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Muzaffarpur Vidyut Vitaran Limited, a company incorporated under the Companies Act, 1956 having registered office at 513/A, 5th Floor, Kohinoor City Mall, Kirol Marg, Off. L.B.S. Marg, Kurla(W), Mumbai 400070, Maharashtra through its authorised representative namely Tribhuwan Kumar Singh, aged about 51 years, son of Late Murli Dhar Singh, resident of Mohalla Ram Nagri Road, Ashiana Nagar, P.S. Rajeev Nagar, District Patna.

... .. Petitioner/s

Versus

1. Bihar State Power Holding Corporation Ltd. Vidyut Bhawan, Bailey Road, Patna 800021, Bihar through its Chairman
2. The Chairman, Bihar State Power Holding Corporation Ltd. Vidyut Bhawan, Bailey Road, Patna 800021, Bihar
3. North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna 800021, Bihar through its Managing Director
4. The Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna 800021, Bihar
5. Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey road, Patna 800021, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Shivam Singh, Advocate Mr. Arun Kumar, Advocate Ms. Ritwika Nanda, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Anand Kr. Ojha, Advocate Mr. Kumar Manish, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 02-08-2018

The selected bidder i.e. M/s Essel Adi Smart Grid Solutions Limited has filed Vakalatnama, which is taken on record.

2. Heard Mr. P.K. Shahi, learned Senior Counsel assisted by Mr. Shivam Singh and Mr. Lalit Kishore, learned Senior Counsel duly assisted by Mr. Anand Kumar Ojha for the respondent-Bihar State Power Holding Corporation Limited and North Bihar Power Distribution Company Limited.



3. It has been brought to the notice of this Court that in pursuance to detailed deliberations relating to the said matter, an agreement has been arrived between the parties, which has been spelt out in the additional affidavit filed by the petitioner on 26.07.2018 and paragraph-12 of the rejoinder filed by the respondents-Power Holding Company Limited and its officials, which is extracted hereinbelow :

“12. That during the meeting with franchisee petitioner and the Apex Management of the Power Company, it is agreed between the parties that the Distribution Licensee would step-in after termination of agreement without forfeiting of collateral securities i.e. LC and PBG, if the franchisee submits an undertaking before the Hon’ble Court to keep its LC and PBG alive till the initiation and adjudication of all the disputes by Arbitration. Further the agreement in the special facts and circumstances of the issue and for urgency of implementing the benevolent welfare scheme in public interest following the brooding concern of the Licensee, to that extent is to be kept validated subject to all other rights of the licensee under the Agreement.”

4. Now, when the parties are in agreement, Mr. Lalit Kishore, learned Senior Counsel states that they would step-in after termination of agreement within a week from today, but the LC and PBG of the Company will remain alive. Apart from that,



all other disputes will be adjudicated by the Arbitrator as a Request Case has already been filed for appointment of Arbitrator.

5. In view of the stand of both the parties, this writ application is disposed off.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2018
Transmission Date	NA

