

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13129 of 2016

Sri Shyam Baba Packaging Private Limited, a Company incorporated under the provisions of the Companies Act, 1956, having its place of business at Laxmipur, P.O. & P.S. Raxaul, District East Champaran, through its Director, Mahesh Sikaria, son of Shri Pramod Kumar Sikaria, resident of Sikaria Complex, Main Road, Raxaul, P.O.& P.S. Raxaul, District – East Champaran.

... .. Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman-cum-Managing Director.
2. The North Bihar Power Distribution Company Limited, through its Chairman-cum-Managing Director.
3. The Chief Engineer (Commercial), North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, North Bihar Power Distribution Company Limited, Raxaul, East Champaran.
5. The Assistant Electrical Engineer, North Bihar Power Distribution Company Limited, electricity Supply Sub-Division, Raxaul, East Champaran.
6. The Revenue Officer, Electric Supply Division, Raxaul, East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, Sr. Advocate
		Mr. Ratan Prasad Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **24-10-2019** After hearing learned counsel for the petitioner and learned Senior Counsel representing the respondent North Bihar Power Distribution Company Limited, this Court finds that the grievance of the petitioner is in



respect of initiation of the certificate proceeding against the petitioner based on an erroneous kind of bill as contained in Annexure '14' to the writ application.

Learned counsel for the petitioner submits that earlier bill dated 11.09.2014 as contained in Annexure '12' to the writ application was revised vide bill dated 10.10.2014, as contained in Annexure '12/A', and payable amount was brought down to Rs. 3,39,857.00 which the petitioner has already paid by Annexure '13' to the writ application. Learned counsel submits that the certificate proceeding has been initiated for realization of a sum of Rs. 24,44,337/-, which has no basis to stand.

Learned Senior Counsel for the respondent - North Bihar Power Distribution Company Limited submits that if the petitioner is aggrieved by the demand of Rs. 24,44,337/-, as contained in Letter No. 917 dated 07.11.2015 (Annexure '16' to the writ application), he will have an opportunity to submit an objection before the Certificate Officer in this regard, and, if such an objection is preferred before the Certificate Officer, the same may



be considered.

Learned counsel for the petitioner submits that with the Interlocutory Application No. 01 of 2019 the petitioner has brought on record a copy of the notice issued by the Certificate Officer – cum- Deputy Collector, Land Reforms, Raxaul (East Champaran) in Form No. 17, by which the petitioner has been called upon to show cause as to why in execution of the certificate case the petitioner be not arrested and sent to civil prison. I.A. No. 01/2019 has been filed challenging the said communication, as according to the petitioner, the Certificate Officer is preempting arrest of the petitioner and to send him to civil prison even before giving him an opportunity to show cause.

I.A. No. 01 of 2019 is allowed.

Let the statements and the prayer made therein be treated as part and partial of the writ application. In view of the stand taken on behalf of the respondent- North Bihar Power Distribution Company Limited saying that the petitioner may raise his objection against the demand



before the Certificate Officer where his objection may be considered and the liability may be determined, this court need not go into the merit of the contentions of the parties at this stage.

It is open for the petitioner to file his show cause/objection before the Certificate Officer cum Deputy Collector, Land Reforms, Raxaul (East Champaran) in Certificate Case No. 114/2015-16 within a period of four weeks from today, and if, such show cause/objection is filed on behalf of the petitioner the Certificate Officer shall consider the same and an appropriate order thereon shall be passed after hearing the parties.

It is made clear that prior to determination of the liabilities of the petitioner the Certificate Officer shall not take any coercive action against the petitioner.

The Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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