

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15058 of 2019

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Sushma Devi wife of Bindeshwari Prasad Sah, resident of Village- Chak Mahtonagar, P.O. and P.S.- Jalalgarh, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Energy Deptt., Patna.
2. The Chief Engineer, North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The Executive Engineer, North Bihar Power Distribution Company Ltd., Purnea Division, Purnea.
4. Assistant Electric Engineer, Electricity Supply Division, Purnea.
5. Junior Engineer, North Bihar Power Distribution Company Ltd., Purnea Division, Purnea.
6. Sub Divisional Officer, Purnea.
7. The Account Officer, North Bihar Power Distribution Company Ltd., Purnea Division, Purnea.
8. The Certificate Officer, Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Pandey, Advocate
For the State	:	Mr.Subhash Pd. Singh, GA-3
For the NBPDC	:	Mr.Vinay Kirti Singh, Sr. Advocate
		Mr.Vijay Kumar Verma, Advocate
		Mr.Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-07-2019 Petitioner in the present case is aggrieved by the notice dated 25.11.2013 issued by the Certificate Officer in terms of Section 7 of the Bihar Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as the 'Act of 1914'). It is submitted that although the petitioner has filed his objection before the Certificate Officer on 04.01.2019, the same has remained pending so far and the Certificate Officer has



proceeded to issue a warrant of arrest against her.

It is further submitted that against the bills in question the petitioner had moved before the learned District Consumer Forum and the District Consumer Forum passed the order dated 20.12.2013 directing the power company to restore the electricity line of the petitioner and revise the bills which were in dispute. It is submitted that even though such order passed on 20.12.2013 the same has not been complied with.

In the writ application the petitioner has not brought on record the order by which warrant of arrest is said to have been issued against the petitioner. Challenge is to the show cause notice pursuant to which the petitioner has already filed an objection.

Since the order issuing warrant of arrest is not under challenge, the writ application as against the show cause notice alone is not fit to proceed. In case the petitioner is of the opinion that the Certificate Officer has issued warrant of arrest against her without considering her show cause and without determination of her liability in terms of the provisions of the Act of 1914, it is open for her to approach the Certificate Officer with an appropriate application for recall the order of warrant of arrest and in case the petitioner is able to demonstrate before the



Certificate Officer that she has filed a show cause and the same is still pending consideration, this Court is of the considered opinion that the Certificate Officer shall consider the application of the petitioner for recall of the warrant of arrest and will pass appropriate order thereon and ensure that even before the determination of liability against the petitioner under the certificate proceeding she should not suffer because of issuance of warrant of arrest.

Learned counsel for the respondents are present.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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