

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4227 of 2021

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M/S Ashok Paper Mills Ltd. having its office at Rameshwar Nagar,
Laheriasarai, Darbhanga through its Authorized Signatory Mrs. Bela Godha.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries Government of Bihar, Patna.
3. The Principal Secretary, Energy Department, Government of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. Additional District Magistrate, Darbhanga.
6. Certificate Officer, Darbhanga, collectoreate Campus, Darbhanga.
7. The North Bihar Power Distribution Company Ltd. having its registered office at 3rd Floor, Vidyut Bhawan, Bailey Road, through its Managing Director.
8. Executive Engineer, North Bihar Power Distribution Company Ltd., Electric Supply Circle, EDS Darbhanga (R).
9. Superintending Engineer, North Bihar Power Distribution Company Ltd. Electric Supply Circle, EDS, Darbhanga (R).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate Mr. Abhinav Alok, Advocate Mr. Priyajeet Pandey, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writs or writ in the nature of Certiorari for quashing of the show cause notice dated 07.01.2017 issued by Certificate Officer

Darbhanga in Certificate Proceeding Case No. 01 of 2016-17 (presently pending before respondent no. 5), whereby and whereunder petitioner had been asked to submit show cause reply within a period of 30 days from the date of issuance of show cause notice against a demand of Rs. 5,93,07,613.00/- as electricity bill claimed by Superintending Engineer, NBPDC, Electric Supply Circle, ESD, Darbhanga.

(ii) For issuance of writ in the nature of Mandamus directing the respondent authority specially respondent no. 5-7 to restore the electric supply of the petitioner's unit which was disconnected by respondent no. 5-7 arbitrarily without issuing a 15 days disconnection notice as mandatory under Section 56 of Electricity Act, 2003 and the disconnection of electricity was made by respondents on the ground of non payment of illegal and unjustified grossly exorbitant bills which was raised by respondent authority specially respondent no. 5-7, contrary to the notification bearing notification no. 4TAK VIVIDH/276/2008 part IV K P-53/T dated 08.08.2014, whereby a declaration was made through Gazette that the State Government considering M/S APMIL as a new unit for benefits under Bihar Industrial Policy 2011 and further granted 100% exemption of AMG/MMG and electricity duty etc whereas the bills raised by respondent authority were loaded by extra heavy amount like demand charges, electricity duty etc. and the same was also contrary to clause 1.15 of Revival Scheme which states that till commercial production only the actual energy units consumed shall be charged at industrial rates and respondents were further directed to compensate the petitioner for the losses incurred due to disconnection of electricity.

(iii) For issuance of writ in the nature of Mandamus directing the respondent authority specially respondent

no. 7 to 9 to produce the requisite document specially service report of the Notice under Section 56 of Electricity Act, 2003 and legal notice for demand of electricity dues before the Certificate Officer, Darbhanga and respondent no. 7 to 9 were not producing the required document of service report before the authorities concern.

(iv) For restraining the recovery proceeding initiated in the Certificate Case No. 01 of 2916-17 alongwith demand notice dated 07.01.2017 issued by the Certificate Officer till the disposal of present writ application.

(V) For issuance of any other appropriate writ(s)/order(s)/direction(s) as your Lordships may deem fit and proper in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the appropriate application, seeking early disposal of the proceedings pending before the appropriate authority, which he shall be filing within a period of four weeks from today.

Learned counsel for the respondents states that if such an application is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall move an appropriate application seeking early disposal of the proceedings pending, if any, before the appropriate authority, within a period of four weeks from today;

(b) We are hopeful that as and when any such request is received, the same shall be considered and decide in accordance with law, expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order;

(b) The appropriate authority shall dispose of the application by passing a reasoned and speaking order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,

before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to assail the order before the appropriate forum, if the need so rises subsequently;

(g) We have not expressed any opinion on merits.

All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	