

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4103 of 2022**

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1. Vindhyawashini Agro Processing Pvt. Ltd. through its Director namely Saket Kumar Address- Siwan Bigha, P.O.- Risiup, P.S.- Risiup, District- Aurangabad.
  2. Saket Kumar Director- Vindhyawashini Agro Processing Pvt. Ltd., S/o Lallu Prasad Singh, R/o Village- Siwan Bigha, P.O.- Risiup, P.S.- Risiup, District- Aurangabad.

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited through the Managing Director, 2nd Floor, Vidyut Bhawan, Bailey Road, Patna.
2. Managing Director, South Bihar Power Distribution Company Limited, 2nd Floor Vidyut Bhawan, Bailey Road, Patna.
3. Chief Engineer (Revenue), South Bihar Power Distribution Company Limited, 2nd Floor Vidyut Bhawan, Bailey Road, Patna.
4. Executive Engineer, Electricity Department, Electricity Supply Division, Aurangabad, District- Aurangabad.
5. District Certificate Officer, Aurangabad, District- Aurangabad.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Sumeet Kumar Singh, Advocate<br>Mr. Nikhil Singh, Advocate |
| For the Respondent/s | : | Mr.Kinkar Kumar (Sc9)                                         |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 10-05-2022**

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

I. That the present writ application is file in the nature of *Certiorari* for quashing the notice dated 11.12.2020 issued under section-7 of the Bihar and Orissa Public Demand Recovery Act, 1914(herein after referred as "P.D.R Act, 1914" by the District Certificate Officer, Aurangabad bearing certificate case No. 70 of 2020-2021 with regard to the recovery of amount to the tune of Rs. 21,17,995/- ; on the ground that the requisition(*Annexure-20-A*) if seen will show that the requisition was filed for Rs. 43,63,693/- but the Section 7 notice has been issued only of Rs. 21,17,995/-, there is no certificate which was given to the petitioner, the action become without jurisdiction, it is in violation of principles of natural justice;

II. That the present writ application is filed in the nature of *Mandamus* for a direction to the South Bihar Public Distribution company Limited to further adjust the interest occurred on the security which was being paid by the petitioner- company at the time of agreement with regard to the amount to the tune of Rs. 22,45,698/- dated 3.12.2016 and also for waiving of charges seeing covid-19 situation prevailing in the entire country since March-2020 till today, in the background there is no utilisation of electricity by the petitioner-company.no.1 at any point apart from 6 month form January in 2018 to June 2018

III. For any such relief / reliefs for which the petitioner shall entitled  
for.

Learned counsel for the petitioners states that at this stage, petitioners would be satisfied if prayer No.(II) is allowed.

Learned counsel for the respondents has no objection to the same.

It is open for the petitioners to approach respondent nos.1 and 2, namely, South Bihar Power Distribution Company Limited through the Managing Director, 2nd Floor, Vidyut Bhawan, Bailey Road, Patna, and Managing Director, South Bihar Power Distribution Company Limited, 2nd Floor Vidyut Bhawan, Bailey Road, Patna, placing on record material in support of the plea for waiver of charges during the Covid period.

Needless to add, we have not expressed any opinion on merits and leave it open for the authorities to consider the case on its own merit within three months from the date of receipt/production of a copy of this order by the petitioners.

Petition stands disposed of in the aforesaid terms.

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

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/- Ranjan

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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