

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8524 of 2019

Dev Kishan Rathi S/o later Man Sokh Das Rathi, R/o Mohalla- Gurhatta,
Hamam Road, Patna City, P.S. Khajekalan, Distt. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector Cum District Magistrate Cum Appellate Authority, Vaishali.
2. The Certificate Officer, Vaishali, Distt. Vaishali.
3. The General Manager, North Bihar Power Distribution Company Ltd.
4. The Electrical Executive Engineer, (Commercial and Revenue) Muzaffarpur Division, P.S. Muzaffarpur Distt. Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

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

“For issuance of a direction in the name of respondent for quashing the notice dated 16.11.2015 as contained in Annexure 1 issued by the certificate officer, Vaishali whereby demand has been made from the petitioner to deposit Rs. 15,06,076/- along with interest against the alleged outstanding of M/S Bikaner Plasto Flex Private Limited only by the reason that the petitioner holds the post of Managing Director of the said company which is contrary to the provision because the Managing Director and shareholders of the company have separate existence from the company and they can



not be proceeded under Bihar and Orissa Public Demand Recovery Act for any default of payment by the company which has its own entity and for grant of any other relief(s) for which the petitioner is found entitled to.”

Petitioner refers to and relies upon the decision rendered by a Co-ordinate Bench of this Court in **Kanhaiya Lal Vs. The State of Bihar & Ors.**, reported in **2002(2) P.L.J.R. 553**.

In response affidavit, the legal position is not disputed, in fact, accepted in the following terms:

“8.That the Power Company accept the legal position emanating from the judgment annexed in the Writ Petition has also be earlier decisions of this Hon’ble Court upon liability of the Managing Director quo liability of the Company.”

Solely on the basis of admission made by the respondents, the present petition is allowed with the impugned action of issuance of notice dated 16.11.2015 (Annexure-1), issued by the Certificate Officer, Vaishali quashed.

Liberty granted to the respondents to initiate appropriate proceedings in accordance with law, more so under the provisions of Bihar and Orissa Public Demand Recovery Act.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

