

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3236 of 2016

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M/s Prakriti Enterprises, a partnership firm having its registered office at House No. 462, Ground Floor, Nehru Nagar, P.O. & P.S.- Patliputra, Patna-13, through one of its partner Shailendra Kumar, Son of Sri Chandrika Prasad Sharma.

... .. Petitioner/s

Versus

1. Bihar State Power (Holding) Company Ltd., Patna, Vidhut Bhawan, Bailey Road, Patna-1 through its Chairman-cum-Managing Director.
2. The Chairman-cum-Managing Director, Bihar State Power (Holding) Company Ltd, Patna Vidhut Bhawan, Bailey Road, Patna-1.
3. Chief Engineer (Commercial), Bihar State Power (Holding) Company Ltd, Patna Vidhut Bhawan, Bailey Road, Patna-1
4. Secretary, Bihar State Power (Holding) Company Ltd., Patna, Vidhut Bhawan, Bailey Road, Patna-1.
5. Director, Bihar State Power (Holding) Company Ltd., Patna, Vidhut Bhawan, Bailey Road, Patna-1
6. Electrical Superintending Engineer, Electric Supply Circle, Chapra, District- Chapra.
7. Electrical Executive Engineer, MRT, Chapra, District- Chapra.
8. Assistant Electrical Engineer, MRT, Chapra, District- Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the B.S.P.H.C.L.	:	Mr. Anand Kumar Ojha, Advocate
		Mr. A.K. Karna, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 20-12-2022

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Anand Kumar Ojha, learned counsel for the Bihar State Power (Holding) Company Limited.

2. The petitioner has moved before the Court for the following reliefs:-

“(i).To issue an appropriate



writ/order/direction in the nature of Certiorari for quashing the letter no.- Com/Invoke BG-14/2013 dated 12/02/2013 issued by the respondent no. 3 by which the bank guarantee given by the petitioner firm of Rs. 17,54,000/-vide Bank guarantee No. 31/2012 dated 12/07/2012 through Canara Bank, South Gandhi Maidan, Patna has been revoked and the Manager Canara Bank has been asked to pay the said amount to the Bihar State Power (Holding) Company Ltd. (hereinafter referred to as the 'holding Company') (as contained in annexure-8).

(ii). To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondents to refund the bank guarantee amount of Rs. 17,54,000/- to the petitioner firm with interest.

(iii). To issue an appropriate writ/order/direction in the nature of Mandamus commanding the respondents to make payment of dues bill of Rs. 37,65,431/-(Approx.)along with interest @ 18% per annum thereon, for the work done by the petitioner firm of installing single phase and three phase meter in the premises of unmetered consumers and consumers with defective/burnt meters in Electric Circle, Chapra of the Holding Company.

(iv). To further issue an appropriate writ/order/direction in the nature of mandamus commanding the respondents to make payment of the earnest money of Rs. 50,000/- to the petitioner.

(v). To grant any other relief or reliefs for which the petitioner is entitled."

2. At the outset, learned counsel for the petitioner submitted that for the same relief he has filed representation before the respondent no. 2 but admits that probably the



representation should have been addressed to respondent no. 3.
Thus, he prays that the writ petition be disposed of with liberty
to file a representation before the respondent no. 3.

3. Learned counsel for the respondents has no
objection.

4. Having regard to the aforesaid, the writ petition
stands disposed of with liberty to the petitioner to file a fresh
representation, with regard to the cause for which the present
writ petition has been filed, before the respondent no. 3. If such
representation is filed within one month from today, the Court
expects that the Authority concerned shall look into the matter
and dispose of the representation by a reasoned order
expeditiously and latest within a period of three months from
the date of filing of the representation.

5. The Court would only indicate that it is not
expressed any opinion on the merits of the matter.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.12.2022
Transmission Date	

