

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10925 of 2022

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M/s. Shiv Shakti Agro Food Products through its Proprietor Ms. Amrita Sharma (Female), aged about 35 years, wife of Anand Kumar, at Village- Baikatpur, Post Office- Khusrupur- 803202, P.S.- Khusrupur, District- Patna

... .. Petitioner/s

Versus

1. South Bihar Power Distribution Company Limited through its Managing Director, Vidyut Bhawan Bailey Road, Patna.
2. The Chief Electrical Engineer, M/s. South Bihar Power Distribution Company Limited, through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.
3. The Electrical Executive Engineer, M/s. South Bihar Power Distribution Company Limited, Fatuha Electric Division, Fatuha, District- Patna.
4. The Assistant Electrical Engineer (Revenue), M/s. South Bihar Power Distribution Company Limited, Fatuha Electric Division, Fatuha, District- Patna.
5. The State of Bihar, through the Director, Technical Development Directorate, Industries Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna.
6. The General Manager, District Industries Centre, Patliputra Industrial Estate, Patna- 800013, District- Patna.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Ajay Prasad, Adv
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 MR. JUSTICE S. KUMAR)

Date : 12-08-2022

Heard learned counsel for the parties.

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

- (i) For issuance of a direction to grant exemption of electricity Monthly Minimum Charge (MMG Charge for short) and meter rent and power installation since 01.07.2011 to 30.06.2016.

A copy of certificate issued in favour of the petitioner industry under Memo No.978 dated 01.08.2016 under the signature of General Manager, District Industries Centre, Patna as well as Order issued vide Memo No.651, Patna dated 25.04.2018 under the signature of Director, Technical Development Directorate, Department of Industries, Bihar are annexed herewith and marked as Anneuxre-1 and 1A to this writ application.

- (ii) For consideration of representation filed by the petitioner for grant of exemption in AMG/MMG to the petitioner industries which has come into production since April 2016.
- (iii) For any other relief/reliefs as your Lordships may deem fit and proper in the interest of justice.

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 **respondent no. 5 State of Bihar through the Director Technical Development Directorate, Industries Department, Vikash Bhawan, New Secretariat, Government of Bihar, Patna**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four 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 on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and

dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

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

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA