

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14824 of 2022

Vadri Ram @ Badri Prasad Sultaniya Son of Late Vanarsi Ram Resident of
Ward No.- 03, Block- Puraini, P.S.- Puraini, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chairman-cum-Managing Director, BSPHCL, Managing Director, NBPBCL (North Bihar Power Distribution Company Ltd.), Govt. of Bihar, Patna.
2. The Principal Secretary, PESU, Energy, Govt. of Bihar, Patna.
3. The Executive Engineer, Electrical Energy Supply Division, Madhepura.
4. The Assistant Engineer, Bihar State Electricity Board, Electric Supply Division, Udakishunganj, Madhepura.
5. The Junior Engineer, Electric Supply Sub-Division, Udakishunganj.
6. The District Certificate Officer, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Kumar Singh, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9
		Ms. Deepika Sharma, AC to SC-9
For NBPBCL	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

Petitioner has prayed for the following reliefs:-

“i. For issuances of writ/writs, order/orders, direction/directions in the nature of certiorari for quashing the Certificate case no.08/2019-20 issued by the District Certificate officer,



Madhepura under the provision of Section 7 of Bihar and Orissa Publics demand recovery Act, 1914 whereby and where under the District Certificate officer initiated the proceeding of certificate case filed by the Executive Engineer, Electrics Supply Division, Madhepura on the amount of Rs.74,364/- by which after initiated the certificate proceeding the notice was issued in the name of the petitioner.

ii. For further direction upon the Respondents to immediately assessment of the Electrics Bill, through the competent authority because the assessment Officer, who have not properly prepaed the assessment chart and during the pendency of the final assessment and initiated the proceeding of Certificate case no.08/2019-20 may kindly stay certificate proceeding during the pendency of the writ application.

iii. For further direction upon the respondents to immediately consider the objection petition of the petitioner thereafter prepared the assessment chart and thereafter issued the Electrics Bill, so that the petitioner filed the objection petition and the same may be disposed of accordance with law.

iv. For further any other relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.”

It is not in dispute that petition under Section 9 of the Bihar & Orissa Public Demands Recovery Act, 1914 (hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.



Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition to be filed by the petitioner under Section 9 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

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

(a) Petitioner shall appear in the office of the appropriate authority on 30.09.2022 along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9 of the Act.

(b) The appropriate authority shall consider and dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;



(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

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

(e) Order assigning reasons shall be supplied 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 challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(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)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

