

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7555 of 2018

Ashok Kumar Sharma @ Ashok Kumar Son of Late Ram Lagan Sharma,
Resident of Tedhi Bazar, P.O. and P.S. Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Energy Dept.
2. The Divisional Commissioner, Patna.
3. The District Collector, Buxar.
4. The Certificate Officer, Buxar.
5. Assistant Electrical Engineer, Electricity Supply Sub-Division, Dumraon,
District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Moleshwar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar- SC 9

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

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

“1. That this application is for issuance of appropriate Writ/ Writs, Order/ Orders And/Or, Direction/ directions quashing thereby the Order dated 10.10.2017 of Divisional Commissioner, Patna (Respondent No.-2) passed in Certificate Revision Case No.- 92 of 2006 (as contained in Annexure-5), whereby and where under he dismissed the petitioner's aforementioned Certificate revision Case and, accordingly, confirmed the Order dated 3.3.2006 of District Collector, Buxar (Respondent No.-3) passed in Case no- 146 of 2002/ Trial No.- 73 of 2006 (as contained in annexure-), which appeal was preferred by Respondent No.-1 against the order dated



13.08.2002 of Certificate Officer, Buxar (respondent No.-3) passed in Certificate Case No. 10/2000, whereby and where under the aforementioned Certificate Case no.- 10/2000 was dismissed as barred by limitation as well as for commanding the concerned respondents to refund amount of Rs. 35000/- (Rupees Thirty five thousand only) deposited with respondent No.-1 by the petitioner together with interest @ 16% per annum on the aforesaid amount of Rs. 35000/- and as well as so for directing respondent No.-1 to restore the electric connection provided in the Flour mill of the petitioner in addition to granting any other relief/reliefs to which the petitioner may be found entitled in law on special facts and circumstances of the present case.”

Having heard learned counsel for the parties, we are of the considered view that the impugned order dated 10.10.2017 passed by Divisional Commissioner, Patna in Certificate Revision Case No.92 of 2006 (Annexure-5) needs to be quashed and set aside solely on the ground that the order does not assign any reason in concluding that the action initiated by the respondents for recovery of the amount is within the prescribed limit of limitation.

We notice that in the five page order, the Revisional Authority has simply reproduced the contentions of the parties and only in the ultimate paragraph of the order that is number 6 he has, by way of an extract recorded that the action is not barred by limitation. Why and how such action is within the



period of limitation is not stated in the impugned order. As such, on this short ground alone, we allow the writ petition in the following terms:

(a) impugned order dated 10.10.2017 passed by Divisional Commissioner, Patna in Certificate Revision Case No.92 of 2006 (Annexure-5) is quashed and set aside;

(b) petitioner shall appear before the Revisional Authority on 10.02.2023 at 10.30 a.m., on which date, when the authority shall fix a date for hearing, liberty is reserved to the parties to place additional material on record.

Petitioner undertakes to fully cooperate and shall not take unnecessary adjournment in the matter.

Revisional Authority shall pass the order within a period of four weeks thereafter.

Present petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2023
Transmission Date	

