

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5105 of 2018

In
Miscellaneous Jurisdiction Case No.613 of 2018

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M/s Maa Mundeswari Cycle Udyog Pvt. Ltd. Company incorporated under the provisions of the Companies Act, 1956 having its place of business at Urmila Villa, Surya Mandir Road, Aurangabad through one of its Directors, Shyam Kishore Prasad, son of Late Deo Nandan Prasad, resident of at Urmila Villa, Surya Mandir Road, P.S.-Town Aurangabad, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar Through Sri Pratyaya Amrit, The Principle Secretary, Department Of Energy, Government of Bihar, 3rd Secretariat, Patna
2. Sri Pratyaya Amrit Department of Energy, Government of Bihar, 3rd Secretariat, Patna.
3. Sri S. Sidhartha, Principal Secretary cum Industrial Development Commissioner, Industry Department, Vikas Bhavan, Bailey Road, Patna.
4. Sri Pratyaya Amrit the Bihar State Power (Holding) Co. Ltd. Having its office at Vidyut Bhavan, Bailey Road, Patna
5. Sri R. Laxmanan the Chairman cum Managing Director, Bihar State Power(Holding) Co. Ltd. having its office at Vidyut Bhavan, Bailey Road, Patna
6. Sri R. Laxmanan the Managing Director, the South Bihar Power Distribution Co. Ltd., having its office at Vidyut Bhavan, Bailey Road, Patna.
7. Sri R. Laxmanan the Managing Director, the Sought Bihar Power Distribution Co. Ltd., having its office at Vidyut Bhavan, Bailey Road, Patna
8. Sri Narendra Kumar the Chief Engineer (Commercial Cell), South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road, Patna.
9. Sri Vijay Kumar Srivastava the Electrical Superintending Engineer, Electric Supply Circle, Gaya.
10. Mritunjay Kumar Singh the Executive Engineer, Aurangabad Division, Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Rahul Kumar, Advocate Mr. Anand Kumar, Advocate
For the Opposite Party/s	:	Mr. Shankar Kumar, AC to AAG-7
For the Company	:	Mr. Vijay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL ORDER

5 23-06-2023 Heard the parties.

Learned counsel for the petitioner submits that this matter also relates to the compliance of the earlier order passed in MJC No.613 of 2018.

The MJC No.613 of 2018 was disposed of on 01.08.2018 with following observations:

“6. The question of adjustment of amount cannot be adjudicated in the contempt proceeding. It will be proper that the petitioner-company should appear before the Chief Engineer (Commercial), South Bihar Power Distribution Company, who will be obliged to inform the petitioner-company about the quantum of amount and the period of benefit of exemption conferred to the petitioner; inasmuch as, in what manner the adjustment has been made as per the Scheme of the State Government. If the petitioner-company would be dissatisfied with the outcome before the Chief Engineer (Commercial), South Bihar Power Distribution Company Limited, he will be at liberty to approach before any Authority, Court or Forum. It is expected that the Chief Engineer (Commercial) will dispose of the matter preferably within a period of eight (8) weeks from the date of receipt/production of



a copy of this order.

7. With the aforesaid observations and directions, this contempt petition is disposed of.”

A show-cause has been filed by the opposite parties stating in para-8 as follows:

“8. That it is pertinent to place on record the Memo No.3715 dated 12.09.2018 wherein the Power Company has been issued instruction containing condition upon which the industrial incentive has to be granted enclosing thereunder the list of units.

Photo/typed copy of the Memo No.3175 dated 12.09.2018 along with list of units is enclosed herewith and marked as Annexure-S/11 series to this petition.”

There is no rejoinder rebutting the said statement.

This Court is convinced that no contempt is made out.

The MJC No.5105 of 2018 stands disposed of.

(Rajiv Roy, J)

Prakash Narayan /-

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