

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19932 of 2016

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Satish Sharma S/o Raghunath Sharma, resident of Village- Sakari, P.O.P.S.-
Kurtha, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Electricity Department, Govt. of Bihar, Patna
2. The Secretary Electricity Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar State Electricity Board, Patna.
4. The Chief Executive Officer South Bihar Power Distribution Company Ltd Bhabhua, Kaimur.
5. The Executive Engineer Electricity Distribution Division, Kaimur.
6. The Certificate Officer, Mohania, Bhabhua, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Arun Kumar, AC to GP 1
For the Electricity Board:		M/s Anand Kumar Ojha, Ashok Kumar Karna Akshansh Shankar. Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 26-11-2024

1. The petitioner has filed the instant application for the following reliefs:

“(i) To quash the Certificate Case No. 72/20/13-1 dated 26.2.16 issued by the Certificate Officer, Mohania (Kaimur) wherbey and whereunder a sum of Rs. 1,46,769 (one lakh forty six thousand seven hundred and sixty nine) has to be recovered from this petitioner in case of



Electric Chief Engineer, Kaimur Vs Shri Satish Chandra Sharma.

(ii) To direct the respondents to provide the detail of amount due to the petitioner for which certificate proceeding has been initiated.

(iii) To grant the respondent to allow the petitioner to pay the due amount if any in easy installment.

(iv) To grant any other relief/reliefs as your lordship deem fit and proper on the basis of facts and circumstances of the case.

2. Learned counsel for the petitioner contended that he has filed his objections under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 before the authority and the same was pending with the Certificate Officer. Further it is contended that without passing the final order under Section 10 of the Act Warrant of Arrest was issued against the petitioner and, therefore, prayed to set aside the order of Warrant of Arrest.



3. Learned counsel for the respondents reported that he has no objection, if a direction is given to the respondent No. 6 to pass necessary orders under Section 10 of the Act duly taking into account the objections filed by the petitioner.

3. Having regard to the above made submissions, without going into the merits or demerits of the case, the present writ petition is disposed of directing the Respondent No. 6 to pass appropriate orders under Section 10 of the Act within a period of three months from today.

4. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order passed shall be communicated to the petitioner. Further the petitioner is directed to appear before the Certificate Officer for proper adjudication of the case.

5. Till the passing of the final order by the Certificate Officer, it is directed that no coercive steps shall be taken against the petitioner herein.



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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2024
Transmission Date	

