

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12406 of 2013

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1. Umeshwar Thakur Son Of Nebi Thakur Resident Of Village Daulatpur Chandi, P.O. Harauli, P.S. Sadar Hajipur, District Vaishali
 2. Sidheshwar Thakur Son Of Nebi Thakur Resident Of Village Daulatpur Chandi, P.O. Harauli, P.S. Sadar Hajipur, District Vaishali
 3. Pramod Thakur @ Pramod Kumar Sharma Son Of Nebi Thakur Resident Of Village Daulatpur Chandi, P.O. Harauli, P.S. Sadar Hajipur, District Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Vaishali At Hajipur
3. The Certificate Officer, Vaishali At Hajipur
4. The Executive Engineer, Bihar State Electricity Board, Vaishali At Hajipur
5. The Sub-Divisional Officer, Bihar State Electricity Board, Vaishali At Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Abhishek Anand Madhuri Kumari, Advocates
For the Respondent Board	:	M/s Nivedita Nirvikar, Sr. Advocate Manoj Kumar, Advocate

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 13-03-2024**

Heard learned counsel for the parties.

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

“(i) For issuance of writ in the
nature of certiorari quashing of the entire
proceeding of Certificate Case No. 01/2006-07
filed by the Executive Engineer. Bihar State
Electricity Board, Vaishali at Hajipur and the order
dated 3.5.2013 passed by the Certificate Officer,



Vaishali at Hajipur whereby and where under the Certificate Officer has issued warrant against these petitioners for payment of the certificate amount without hearing to the petitioners on objection and without considering that the Certificate Officer has not considered the objection filed by the petitioners and has rejected their claim only on the ground that the Executive Engineer has already rejected the claim of the petitioners.

(ii) For further direction to the respondent Certificate Officer to dispose of the objection of the petitioners filed under section 9 of the Bihar & Orissa Public Demand Recovery Act after given a personal hearing to the petitioners and decide afresh.

(iii) And for any other relief / reliefs for which the petitioners are found to be entitled in the eye of law.”

3. Learned counsel for petitioners contended that this matter is squarely covered under the judgment reported in **2009 SCC OnLine Pat 611 : (2009) 3 PLJR 12 (M/s Bikaner Plasto Flex Pvt. Ltd. Versus State of Bihar and others)**.

4. The petitioners are being proceeded against in a certificate proceeding for alleged recovery of certain sums of electricity dues.

5. In view of the fact that this matter is squarely



covered by the aforesaid judgment, I direct that the petitioners should first apply to the said designated fora for redressal of its dispute / grievance and once such a dispute is resolved then the certificate proceedings would, accordingly, proceed. It is expected that the fora would decide the dispute expeditiously so that neither the Board nor the consumer suffer for quick redressal of grievance is advantageous to all.

6. With the aforesaid observations, this writ petition stands disposed of.

7. Let a copy of this order be sent to Bihar Electricity Regulatory Commission as well as Secretary, Department of Energy, Govt. of Bihar.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	13.03.2024
Transmission Date	

