

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8076 of 2018

1. Navin Prakesh @ Naveen Prakash and Anr S/o Late Ganga Prasad Sinha.
2. Praveen Prakash S/o Late Ganga Prasad Sinha. Both are Resident of Mohalla-Indrapuri, Behind the Post Office, P.O. and P.S. Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Collector, Gopalganj
2. District Certificate Officer, Gopalganj.
3. Bihar Electricity Board through Assistant Engineer, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha
For the NBPDC	:	Mr. Kumar Priya Ranjan, Addl. SC
	:	Mr. Sudarshan Bharadwaj, Advocate
	:	Mr. Sandeep Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar- SC-9

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-07-2025

1. The writ petition is filed to quash the entire subsequent proceedings initiated by the District Certificate Officer in Certificate Case No. 7/2002/2003 (Electricity), including the order dated 14.10.2014, in which it has been recorded that the due amount has not been deposited, and the order dated 22.11.2017, by which the warrant of arrest has been issued against the petitioners in pursuance of the order dated 08.05.2005 passed by



the Collector, Gopalganj in Public Demand Recovery Appeal No. 1 of 2004, wherein and whereby the order dated 07.03.2003 passed by the District Certificate Officer in Certificate Case No. 7/2002/2003 (Electricity) was set aside and remanded back with a direction to the Electricity Board to file a rejoinder to the objection filed by the petitioners on 29.10.2001, and further directing the District Certificate Officer to rehear the matter on the objection filed by the petitioners on 29.10.2001 and pass the necessary order after hearing both parties, and further, for quashing the order dated 08.05.2005 in Public Demand Recovery Appeal No. 1 of 2004.

2. The brief facts culled out of the writ petition are on 01.12.1999, the Assistant Engineer, Bihar Electricity Board, Gopalganj, filed a requisition for the recovery of electricity dues amounting to Rs. 81,655.41 before the District Public Demand Recovery Officer, who exercises the powers of the District Collector under Section 3(3) and Section



60(3) of the Bihar and Orissa Public Demands Recovery Act.

3. It is the specific contention of the Learned counsel for the petitioners that the requisition filed before the District Public Demand Recovery Officer is time barred and the District Certificate Officer has dismissed the certificate case, as the certificate case is time barred.

4. Being aggrieved by the same, the respondents filed an appeal before the Collector, Gopalganj, and after hearing the parties, the District Collector set aside the order passed by the District Certificate Officer and remanded the case back to the District Certificate Officer to hear the objections filed by the petitioners and to pass an appropriate order, which is contended to be barred in law. It is the contention of the Learned counsel for the petitioners that, in spite of the remand, the matter remained pending before the District Certificate Officer, and even the rejoinder was not filed by the Electricity Board to the objections raised by the petitioners.



5. A detailed counter affidavit has been filed by the respondents, which clearly disclose in paragraph 6 that the certificate proceedings are not barred by limitation. The period of limitation was extended upon the deposit of Rs. 16,000/- on 25.10.2000. Further, the petitioners filed their objection on 29.10.2001, against which, after several reminders, the certificate holder filed their reply.

6. Considering the submissions made on behalf of the parties as well as the materials available on record, this Court is of the considered view that the certificate proceeding is not barred by limitation and that there is no error in the order passed by the District Collector. However, the District Collector has remanded the matter back to the Certificate Officer for decision. Therefore, the Electricity Board is directed to file a rejoinder to the objections of the petitioners within six weeks from the date of receipt of this order (if not already filed), and the District Certificate Officer shall hear both the parties, i.e., the petitioners as well as the



Electricity Board, and shall pass an appropriate order within three months from the date of filing of the rejoinder, if filed. Both parties shall cooperate with the District Certificate Officer in deciding the matter pending before him.

7. With the abovesaid observation, the writ petitions shall stand disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	

