

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13615 of 2018

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Neeraj Kumar Sharma Son of Bijendra Sharma Resident of 193, 7 Forest
Road Chandmari, P.S. Darjeeling Sadar District Darjeeling, West Bengal.

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Vaishali at Hazipur
2. The District Certificate Officer, Vaishali at Hazipur.
3. The Secretary In-Charge, North Bihar Power Distribution Company Ltd.
Third Floor, Vidyut Bhawan, Pa
4. The Executive Engineer, Bihar Electric Supply Division, Vaishali at Hazipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms Anand Kishore Choudhary, Ramendra Kumar Bharti, Advocates
For the Respondent/s	:	Mr. Gyan Prakash Ojha- GA 7 Mr. Yogendra Pd. Sinha, AAG 7

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 17-07-2025

1. The petitioner has filed the Writ
petition for the following reliefs:

“(i) The Certificate
proceeding initiated against the father
of the petitioner in Certificate Case No.
7 of 2016-17 in the Court of District
Certificate Officer, Vaishali be quashed.

(ii) During the pendency of
the present application the further
proceedings including the execution of
processes for the realisation of the dues
be order to be stayed.



(iii) And any such other relief/reliefs for which the petitioner is entitled in the eye of law."

2. It is submitted in the writ petition that the father of the petitioner had obtained an electricity connection bearing Consumer No. H5671/D/S approximately 30 years ago, when he was residing at Hathasarganj, P.O. & P.S. Hazipur, District Vaishali. It is further submitted that the entire family got shifted to the State of Assam, and no electricity has been consumed at the said premises at Hathasarganj, which has remained closed for a long time. Despite this, the Electrical Executive Engineer, Electric Supply Division, Hazipur, issued a requisition letter dated 30.10.2015 to the District Certificate Officer, Vaishali, seeking realization of alleged outstanding electricity dues amounting to Rs. 5,81,910/- against the father of the petitioner.

3. The Learned counsel for the petitioner contended that the petitioner has filed objections under Section 9 of the Bihar and Orissa Public



Demands Recovery Act, 1914 before the Certificate Officer which is still pending. Further it is contended that the respondents have proceeded with the recovery proceedings without passing a final order under Section 10 of the Act.

4. The Learned counsel for the respondents reported that he has no objection, if a direction is issued to Respondent No. 2 to pass necessary orders, under Section 10 of the Act, duly considering the objections filed by the petitioner.

5. Having regard to the above submissions made and without going into the merits or demerits of the case, the present writ petition is disposed of directing Respondent No. 2 to pass an appropriate orders under Section 10 of the Act within a period of two months from the date of receipt of copy of this order.

6. It is needless to mention that before passing any order, the authority concerned shall give an opportunity of hearing to the petitioner. Any order so passed shall be communicated to the petitioner. Further, the petitioner is also directed to



appear before the Certificate Officer for proper adjudication of the case.

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

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2025
Transmission Date	

