

(2008) 11 JH CK 0048
In the Jharkhand High Court

Brahmanand Mineral Water Products Pvt. Ltd.	APPELLANT
Vs	
Jharkhand State Electricity Board and Others	RESPONDENT

Date of Decision : 18-11-2008

Acts Referred:

Citation : (2008) 11 JH CK 0048

Hon'ble Judges : Ajit Kumar Sinha, J

Bench : Single Bench

Judgement

Ajit Kumar Sinha, J.—The counsel for the petitioner prays for following reliefs:

(A) For issuance of a writ of mandamus or in nature thereof commanding the respondents to give benefits of Jharkhand Industrial Policy, 2001 to the petitioner and thereafter not to make any demand on the basis of Annual Minimum Guarantee (AMG) charges for the shortfall in Units consumed for the period 2003-2004 and sub-sequent years.

(B) For issuance of writ of certiorari or in nature thereof for quashing the AMG bill dated 8.5.2004 raised by the respondents for AMG year 2003-2004.

(C) In alternative for quashing the order dated 19.1.2005 issued by the General Manager-cum-Chief Engineer and communicated by Deputy General Manager-cum-Electrical Superintending Engineer whereby the claim of the petitioner for remission under Clause 13 of the Agreement have been rejected most mechanically,

(D) Also alternatively if it is held that the petitioner is not exempted from payment of AMG under Jharkhand Industrial Policy 2001 then an appropriate writ remanding the matter of the respondents for reconsideration and allowing benefits of remission for all interruptions and subsequently refunding/adjusting the amount paid under threat of disconnection with interest at the rate of 2% per month as the Board is charging.

2. The counsel for the petitioner has also relied upon a Judgment reported in

Pradeep Cement Private Limited Vs. Jharkhand State Electricity Board and Others, . According to him", his case is totally covered with the aforesaid order.

3. Be that as it may, it appears that a decision was taken by the State Government in March, 2005 with regard to grant of exemption of payment of Industrial Minimum Guarantee charges as contemplated in Clause 15.1 of the Jharkhand Industrial Policy. 2001.

4. The counsel for the petitioner prays to dispose of the representation in the light of the aforesaid decision dated 10th March, 2005 taken by the Department of Energy, State of Jharkhand in accordance with the judgment pronounced by a Division Bench of this Hon"ble Court in Pradeep Cement Private Limited Vs. Jharkhand State Electricity Board and Others, .

5. Considering the aforesaid facts and circumstances of the case the respondent State is directed to dispose of the representation of the petitioner by a speaking order in accordance with law within a period of three months from the date of receipt of this order.

6. This writ petition is accordingly disposed of.