
(2001) 02 JH CK 0043
In the Jharkhand High Court
Case No : CWJC No. 2275 of 1999 (R)

Nav Bharat Link Chain Manufacturers Ltd.	APPELLANT
Vs	
State of Bihar and Others	RESPONDENT

Date of Decision : 02-02-2001

Acts Referred:

Citation : (2001) 02 JH CK 0043

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—Heard the parties.

2. The petitioner-Company was served with a demand notice of Rs. 13,50,184/- by the Board which it challenged before the Ranchi Bench of the Patna High Court In CWJC No. 554 of 1997 (R), the representation under Clause 13 of the agreement filed by the petitioner having not been disposed of. This Bench Court by its order dated 5th March, 1997 disposed of the writ application and directed the General Manager, Electricity Board Ranchi to decide the petition preferred under Clause 13 of the Agreement.

3. In the meantime, before final decision, at the instance of Electricity Board authorities, a certificate case being Certificate case No. 13/Elect./96-97 was registered for recovery of amount of Rs. 13,69,688=50 paise, including the amount which was in dispute. A distress warrant having been issued the present writ application was preferred.

4. On 24th April. 2000, this Court passed an interim order in favour of the petitioner and in the meantime the General Manager decided the petition as was preferred under Clause 13 of the Agreement.

5. In the counter affidavit filed by the respondents No. 3 to 7, the order passed by the General Manager has been enclosed as enclosure to a letter dated 17th January, 2001.

6. According to the counsel for the petitioner, in terms with the order passed by the General Manager, the petitioner is not liable to pay any amount in favour of the Board, but it is liable to refund.
7. According to the counsel for the Board, such dispute cannot be decided in the present case in absence of records and proper verification.
8. In the facts and circumstances, liberty is given to the petitioner to bring the aforesaid decision to the notice of the certificate Officer in Certificate case No. 13/ Elect./ 96-97. If any representation is filed by the petitioner bringing the aforesaid order to the notice of Certificate Officer, as communicated by Jetter dated 17th January. 2001, the Certificate Officer will decide the issue immediately.
9. Till final decision is taken in the matter, no coercive step be taken against the petitioner in pursuance of Certificate Case No. 13/Elect/96-97.
10. The Superintending Engineer, Urban Electrical Area, Saraidhela. P.S. Indian School of Mines, Dhanbad is now required to issue a fresh bill in respect to petitioner in terms with decision of General Manager, as communicated vide letter dated 17th January, 2001 within a month.
11. This writ application stands disposed of with the aforesaid observations/ directions.
12. Application disposed of.