

**(2024) 03 PAT CK 0021**

**In the Patna High Court**

**Case No :** Civil Writ Jurisdiction Case No. 12406 Of 2013

Umeshwar Thakur

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision :** 13-03-2024

**Acts Referred:**

Bihar and Orissa Public Demands Recovery Act, 1914 — Section 9

**Citation :** (2024) 03 PAT CK 0021

**Hon'ble Judges :** G. Anupama Chakravarthy, J

**Bench :** Single Bench

**Advocate :** Abhishek Anand, Madhuri Kumari, Nivedita Nirvikar, Manoj Kumar

**Final Decision :** Disposed Of

## Judgement

1. 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.