IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 8043 of 2016

Present:

Mr. Justice K.M. Hafizul Alam

And

Mr. Justice Abdur Rahman

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh

-And-

IN THE MATTER OF:

M/S Nipun Private Limited

.... Petitioner

-versus-

Bangladesh represented by the Secretary, Ministry of Power, Energy and Mineral Resource, Bangladesh Secretariat, Ramna, Dhaka and others

.... Respondents

Mr. Md. Delowar Hossain Khan, Advocate

... for the petitioner

Mr. Md. Arafat Kausar, Advocate

...for the respondent No.5

Hearing on 15.02.2026, and Judgment on: 18.02.2026

Abdur Rahman, J:

This *Rule Nisi,* at the instance of the petitioner, was issued on an application under Article 102 of the Constitution in the following terms:

"Let a Rule Nisi be issued calling upon the respondents to show cause as to why the Office Memo No. ৮৭.৪০২.৪২৯.০০.০০.০৪৯.২০১৪.১২৫৮ dated 30.05.2016 issued under the signature of the respondent No.4 demanding Tk. 61,90,063.00/- (Sixty one lacs ninety thousand and sixty three taka) for value and penal bill of 259590 unit electricity from the petitioner's Nipun Private Limited against Customer No. 36541735 NOCS Adabar, Mohammadpur, Dhaka (Annexure-D), should not be declared to be without lawful authority and is of no legal effect and/or such other or further order or orders be passed as to this court may seem fit and proper.

The facts leading to issuance of this Rule Nisi in brief are that: in the instant writ petition the petitioner has challenged the impugned office *Memo No.* ৮৭.৪০২.৪২৯.০০.০০.০৪৯.২০১৪.১২৫৮ *dated*

30.05.2016 for demanding Tk. 61,90,063.00 (Sixty one lacs ninety thousand and sixty three taka) for value and penal bill of 259590 unit electricity from the petitioner's Nipin Private Limited, against Customer No. 36541735 NOCS Adabar, Mohammadpur, Dhaka (Annexure-D to the writ petition). As per the Government policy, the Power Development Board distributed the charge for distribution and sale of electricity from Dhaka Electric Supply Authority (DESA) to Dhaka Power Distribution Company Ltd., and accordingly performing and receiving the electricity bill from the petitioner. On 29.05.2016, the respondent No.4 visited the petitioner’s factory to inspect the installed meter and after inspection he issued a office Memo being No. *৮৭.৪০২.৪২৯.০০.০০.০৪৯.২০১৪.১২৫৮ dated 30.05.2016*, and asked the petitioner or his representative to appear for hearing within 12:00 noon at his office. Thereafter, as per direction of the memo the petitioner sent his representative with a written statement of the authority of the DPDC but they did not accept the written statement, oral statements, unfortunately they did not agree to receive the written statement

Thereafter on 30.05.2016 the respondent No. 4 issued a letter vide Office Memo No. ৮৭.৪০২.৪২৯.০০.০০.০৪৯.২০১৪.১২৫৮, dated 30.05.2016 imposing Tk. 61,90,063.00 (Sixty one lakhs ninety thousand and sixty three taka) as a value and penal bill for 2,59,590 unit electricity and directed the petitioner to deposit 40% taka of total amount and threatening the petitioner to disconnect the electric line at 3.31 p.m. if default to deposit the 40% amount out of total taka within 3.30 p.m. and then the petitioner finding no other way to maintain the uninterrupted electricity facility deposited 40% taka of the total amount equivalent Tk.24,76,025/=only through Pay Order No.1345465, dated 30.05.2016 before 3:30 PM, thus respondents did not withdraw the said impugned Memo. Hereinafter, the petitioner getting no alternative invoked this forum.

On the other hand, the respondent No.5 made appearance by filing affidavit-in-opposition and stating *inter-alia* that all the statements submissions and grounds taken by the petitioner are misconceived and matter of facts. The Respondent's Company lawfully issued the penal bill amounting to Tk. 61,90,063/- (Taka Sixty-One Lacs Ninety Thousand Sixty-Three) only to the Petitioner Company. The Petitioner was bound to pay the entire penal amount on 30.05.2016. Accordingly, the Rule is liable to be discharged.

None appears on behalf of the petitioner at the time of hearing. However, the main ground taken by the petitioner is that the respondents gave 3(Three) hours to deposit 40% of the total penal bill equivalent to Tk.24,76,025/=only which is very much irrational, *mala-fide*, arbitrary and against the natural justice.

On the other hand, learned Advocate for the Respondent No.5, Mr. Md. Arafat Kausar submitted that the penal bill was not raised earlier because the actual consumption could not be detected at the time of regular meter reading due to the use of tempering equipment by the petitioner and the theft detected constitutes a punishable offence under the Electricity Act, 1910 (as amended in 2012), and the penal bill was lawfully imposed under the Clause 17.1 of the Tariff Rules of Electricity, 1989. However, he further submitted that the petitioner has paid the entire penal amount on 30.05.2016, accordingly, no outstanding dues remain in respect of the said penal bill, and the Respondent Company has no further claims arising thereof.

Learned Deputy Attorney General made appearance and submits that it is the settled matter so far the claims of the respondents are admitted by the concerned party.

We have heard the learned Advocate for the petitioner and the learned Advocate for the respondent No.5. We have perused the writ petition, affidavit-in-opposition and documents annexed thereto.

Be that as it may, we have given our anxious thought to the submission advanced by the learned Counsel of the Respondent No.5 which is also evident from Annexure-3 i.e. Misc. Bill Ledger (Post-Paid), dated 26.01.2026 that the petitioner paid all the penal bills against his meter, and the matter already settled between the parties.

Considering aforementioned facts and circumstances, we find that the petitioner already paid penal bill as per the claim of the respondents, and the respondent No.5 admitted the facts through affidavit in opposition, and in this context, we are of view that the purpose of the petitioner has been fulfilled and as such the essence of Rule has been exhausted.

Accordingly, the Rule is disposed of as per the above observations and findings.

There is no order as to costs.

The order of stay and injunction granted earlier by this Court is hereby recalled and vacated.

(Abdur Rahman, J)

K.M. Hafizul Alam, J:

I agree.

(K.M. Hafizul Alam, J)