

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2757 of 2001**

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Sri Ashok Kumar Varma, son of late Ram Narayan Varma, at present posted as  
Section Officer (Library) at M.L.T. Saharsa College, Saharsa.

.... .... Petitioner/s

Versus

1. Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through its Secretary
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. The Financial Controller, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager-cum-Chief Engineer, Koshi Area Electricity Board, Saharsa
5. The Electrical Superintending Engineer, Saharsa Electrical Circle, Saharsa
6. The Electrical Executive Engineer, Electric Supply Division, Saharsa
7. The Assistant Electrical Engineer, Electric Supply Sub-Division (Urban), Saharsa.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shanti Pratap,  
Mr. Arvind Kumar Varma, Advocates.

For the Board : Mr. Vinay Kirti Singh,  
Mr. Vijay Kumar Verma, Advocates.

For the North Bihar : Mr. Akhilesh Kumar Singh, Advocate.  
Power Distribution  
Company.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 18-03-2015**

Heard learned counsel for the petitioner and learned  
counsel for the Bihar State Electricity Board.

In the present writ petition, petitioner is challenging the  
notice dated 25.11.2000 by which the Bihar State Electricity  
Board (hereinafter referred to as 'the Board') has raised bill of  
Rs.35,323.37 that includes delayed payment surcharge. The  
claim of the petitioner is that while working in M.L.T. Saharsa



College, Saharsa as a Section Officer (Library) he was allotted quarter no. 3 for his residence till August 1998 vide consumer no.46E D/S. The Board has served electric bill dated 24.2.1993 for Rs.5528.11 but the same was not deposited due to paucity of fund that led to disconnection of his electric power on 28.9.1993 and letter no.337 dated 28.9.1994 was served upon the petitioner under the signature of Assistant Electrical Engineer, Electric Supply Sub Division, Saharsa. The electric power remained disconnected for a period 28.9.1994 to 31.1.1997. The petitioner filed application before the authority concerned making a request to restore electric supply. On his application the authority directed connection of line of the petitioner subject to to deposit Rs.1,000/- plus RC and DC charge of Rs.30/-. Accordingly the same was deposited and on such payment the electric line was restored in the premises on 1.2.1997. The bill was prepared on the basis of fixed 100 unit per month and after restoration of power no further bill was sent to the petitioner.

The petitioner was directed to vacate quarter vide office order no. G/S-131/98 dated 19.8.1998 under the signature of Principal, M.L.T. Saharsa College, Saharsa by August, 1998 as the same was allotted to one Sri Pawan Kumar Jha correspondence clerk and simultaneously Mr. Jha was directed

to take occupation of the aforesaid quarter.

In view of the aforesaid office order the petitioner vacated the quarter in August, 1998 and accordingly the petitioner was given the certificate showing his vacation of that quarter. The actual fact is that there was no electric supply in the quarter for the period 28.9.1994 to 31.1.1997 but unfortunately the electric bill also includes the aforesaid period which is not permissible in law. As has been submitted that bill which has been served upon him is completely malicious and illegal on account of the fact that the electric bill has been charged for the period when the petitioner was not utilizing the same as well as also challenged the delayed payment surcharge and submitted that it requires consideration.

Learned counsel for the Board submits that bill has been prepared on the basis of consumption of electric power. Petitioner has filed a representation to the Executive Engineer, Electric Supply Sub Division, Saharsa on 4.12.2000 and the same is pending.

This Court feels that the question of fact can only be decided by the authority concerned. If on the direction of the competent authority the power remained disconnected for the period as claimed by the petitioner there cannot be a electric

charge for disconnected period. This Court is not giving any opinion on the merit of the case. The Executive Engineer, North Bihar Power Distribution Company, Saharsa is directed to examine the case of the petitioner and pass an order in accordance with law. The Executive Engineer will not take any coercive steps against the petitioner till he decides the liability of the petitioner for making payment of electric bill for the period aforesaid.

With the aforesaid observation and direction this writ petition is disposed of.

**(Shivaji Pandey, J)**

Vinay/-

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