

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14353 of 2013

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Sanjay Agrawal

.... Petitioner/s

Versus

The Chairman Cum Managing Director Bihar State Power Holding
 Company & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate

Mr. Kumar Ravish, Advocate

For the Respondent/s : Mr. Sanjay Giri, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

5 09-09-2015 The petitioner was an erstwhile employee of Hanuman Sugar Mills located in Chhota Bariyarpur, Near Sugar Mills, Motihari. The Sugar Mills was declared sick in the year 2006 under the SICA Act. The employees of the Sugar Mills were given small quarters in Jirat Colony, Engineering Line, Hanuman Sugar Mills, District East Champaran. The petitioner was allotted House No.A/2 by the Hanuman Sugar Mills.

It is not in dispute that that there was heavy arrears of electrical dues against the Sugar Mills amounting to Rs.6.5 crores. The Electricity Board as such disconnected the electric line of the colony as well as Mills. Some of the employees applied for electric connection. The petitioner on instruction submits that at least 18 of such employees have been given electric connection. The petitioner too was granted electric connection in the year

2006. However, his electric connection has been discontinued on 6.5.2013 being got on misrepresentation.

A counter affidavit has been filed on behalf of the Board. The details of misrepresentation have been summed up in paragraphs 9 and 10 of the counter affidavit. As per paragraphs 9 and 10 of the counter affidavit, the petitioner did not state that he is an employee of Hanuman Sugar Mill. Further more, electric line is sought in the premises of Hanuman Sugar mill which is a defaulter.

The petitioner submits that the allegations are misconceived as in his application for electric connection he had given his detail address and upon receipt of the application, the Board inspected the premises and thereafter only granted electric connection.

I find that the petitioner in his application has give detailed address of the premises for which he sought electric connection. In Column No.2 he has mentioned that he had been working in the Sugar Mills and as such I find that the petitioner has not concealed that he has not been working in the Sugar Mills and the premises for which he sought electric connection is a Housing Colony of the Sugar Mill.

Counsel for the Board submits that the premises is a defaulter premises. However, there is no allegation that the

petitioner had defaulted in making payment of the electrical dues. Further more, it is also not specific whether there is any specific due on this meter. Some co-employees similarly situated have got electric connection. If the premises are a defaulter premises, it will be open for the Board to proceed against it under clause 11.23 of the Supply Code read with provisions of the Public Demand Recovery Act.

The respondents are directed to confirm the provisional connection restored by order dated 19.8.2013 on conditions and formalities as required under the provisions of the Act and the Rules.

This writ application is allowed.

(Samarendra Pratap Singh, J)

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