

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2308 of 2015

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1. Ram Pravesh Sharma Son of Lakshmi Sharma Resident of Village -
Gaushpur Izra, P.S- Hazipur Sadar, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Energy Department Patna Bihar.
2. Chief Engineer, North Bihar Power Distribution Company Ltd. Hazipur,
Vaishali.
3. Executive Engineer, North Bihar Power Distribution Company Ltd.
Hazipur, Vaishali.
4. The Assessment Officer-cum-Junior Engineer Electricity Supply Division
(Rural) Hazipur, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Respondent/s : Mr. S.K. Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 19-05-2015 This writ petition has been filed by the petitioner for restoration of his electric connection bearing Consumer No. BLK 0460 (HZ05510) which is disconnected since 16.12.2014. During the pendency of the present application, the petitioner was served with the provisional bill and against which he has filed his objection under Section 126 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') and after considering the objection and hearing the petitioner, that a final assessment order under Section 126(3) of 'the Act' has been passed on 29.12.2014, a copy of which is placed at Annexure-A to the counter affidavit filed today. According to the order of final assessment, the

petitioner has been imposed punitive bill of Rs. 84,029/- besides the arrears of Rs. 11,733/-. The total bill is to the tune of Rs. 95,762/-. The petitioner disputes the final assessment order.

Section 127 of 'the Act' provides for a remedy of appeal to a person aggrieved by a final assessment order passed under Section 126 of 'the Act' and the petitioner would be at liberty to take recourse to the remedy of appeal.

Although the order is dated 29.12.2014 but the petitioner complains its non communication and submits that it is for the first time that he has gathered knowledge of such order in the present proceedings.

In the circumstances, any such appeal filed by the petitioner against the order of final assessment dated 29.12.2014 within 30 days from today if accompanied with a petition for condonation of delay, should be considered on its own merits and be disposed of in accordance with law by the appellate authority after giving an opportunity of hearing to the petitioner.

As regarding the issue of interim relief, it is seen that the penal amount payable by the petitioner is Rs. 84029/- and which along with arrears comes to Rs. 95,762/-. 50% of the penal bill would come to Rs. 42015/-. Thus if the petitioner would deposit 50% of the penal amount i.e. Rs. 42015/- along with the arrear

amount of Rs. 11733/-, which comes to Rs. 53748/- against the final adjudication of the punitive demand and produces its receipt before the Executive Engineer, respondent No.3, he shall take appropriate steps to restore electric connection of the petitioner within 48 hours thereafter.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

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