IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4465 of 2015

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1. Zeenat Nisha. Wife of Late Noor Mohammad. Resident of Ekta Nagar, Mithila Colony at Nasriganj, P.O.- Digha (Patna), Police Station - Khajpura, District - Patna.

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited (previously known as 'The Bihar State Electricity Board') through its Managing Director, Jawahar Lal Nehru Path (Bailey Road), Patna.
2. Electrical Executive Engineer, Electric Supply Division, Danapur-Khajpura, PESU (West) Patna.
3. Assistant Electrical Engineer (Revenue), Digha, PESU (West) Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ajay Prasad, Adv.
For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 30-06-2015 Heard Mr. Ajay Prasad learned counsel for the petitioner and Mr. Anand Kumar Ojha, learned counsel for the Distribution Company.

The petitioner by way of this writ petition has questioned the electricity bill dated 11.3.2015 raised by the respondent Holding/Distribution Company to the tune of Rs. 5,94,925/- which is inclusive of arrear dues to tune of Rs. 551924/-. According to the petitioner he has never been at default and thus the arrears shown in the bill is without any justification.

Facts of the case briefly stated is that the petitioner is a LTIS consumer who obtained the electricity connection on

1.10.2009 on a sanctioned load of 20 HP. The petitioner applied for enhancement of load from 20 HP to 35 HP. The Electrical Executive Engineer completed the formalities and executed an agreement on 2.3.2012 and consequent whereupon the load in the petitioner's premises was enhanced vide memo No.551 dated 2.3.2012, a copy of which is placed at Annexure-3 to the writ petition. According to the petitioner he has deposited the requisite amount for the purpose. Despite the load having been enhanced, the respondents continued to raise bill on the basis of 20 HP load which the petitioner has been depositing regularly. It is stated that suddenly on 11.3.2015, the petitioner received a bill to the tune of Rs. 5,94,925/- which was inclusive of arrears of Rs. 5,51,924/-. It is the complaint of the petitioner that since he is not a defaulter at any stage, there was no reason for any arrears.

A counter affidavit has been filed in the present proceedings and in paragraph 17 thereof it is admitted by the respondents that although the load of the petitioner was enhanced in March, 2012 and from the next billing cycle i.e. with effect from April 2012 the bills had to be raised on the enhanced load of 35 HP but unfortunately this was not done and inadvertently, the bills were raised at the load of 20 HP which has only been detected recently resulting in raising of the bill. A detailed chart has been enclosed as Annexure- C/2 showing the bills outstanding against the petitioner including the period subsequent to the enhancement of the load in March, 2012. Mr. Ojha learned counsel for the respondents with reference thereto submits that the chart in so far as it reflects since after 15th April, 2012 is the amount which has remained outstanding against the petitioner by virtue of raising of an incorrect bill at 20 HP load. The position is not contested by Mr. Prasad who submits that since the lapse was on the part of the respondent themselves they would be under a duty to raise a fresh bill with effect from April, 2012 but since there was no default on the part of the petitioner consumer in making payment of the bill he should not be saddled with any delayed payment surcharge.

In my opinion, the submission of Mr. Prasad is correct and is fit to be accepted. It is not in dispute that the bills which ought to have been raised against the petitioner since after enhancement of his load in March, 2012 on the basis of 35 HP which brings him under category of LTIS-II, has not been raised and hence the respondents would be required to raise the bill for the subsequent period until today and the petitioner would be obliged to make payment of the said amount. Since the period ranges over more than 3 years hence in my opinion the respondent should facilitate the petitioner in making payment of the outstanding amount consequent upon raising of such bill in 6 equal monthly installments. Since admittedly there was no lapse on the part of the consumer in the whole transaction, the respondent should not include any delayed payment surcharge in the revised bills.

With the observations and direction aforesaid, the writ petition is disposed of.

It goes without saying that since a fresh exercise has to be undertaken by the respondents in raising a revised bill, the bill impugned in the present proceeding should not be any reason for disconnection of the electricity line of the petitioner.

(Jyoti Saran, J)

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