

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20683 of 2014

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Smt. Sumitra Devi, wife of Rajendra Upadhyay, resident of Sonpa Pakdi,
Near Bazar Samiti, P.S.-Ara Nawada, District-Bhojpur

.... Petitioner/s

Versus

1. The Chairman-cum-managing Director , Bihar State Power Holding Company, Ltd. Vidyut Bhawan, Patna
2. The Managing Director, Bihar State Power Holding Company, Ltd. Vidyut Bhawan, Patna
3. The Electrical Superintending Engineer, Bhojpur Electric Circle, South Power Distribution Company Ltd. Bhojpur at Ara
4. The Superintending Engineer, Bhojpur Electric Circle, South Bihar Power Distribution Company Ltd. Bhojpur at Ara.
5. The Electrical Executive Engineer, Electrical Supply Division, South Bihar Power Distribution Company Ltd. Bhojpur at Ara.
6. The Electrical Assistant Engineer, Electrical Supply Division, South Bihar Power Distribution Company Ltd. Bhojpur at Ara.
7. The Electrical Junior Engineer, Electrical Supply Division, South Bihar Power Distribution Company Ltd. at Ara.
8. The Accounts Officer, Revenue, Electrical Supply Division, South Bihar Power Distribution Company Ltd. at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.S. Pradhan, Sr. Adv.

For the Respondent/s : Mr. Anand Kumar Ojha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-01-2015 Heard Mr. R.S. Pradhan, learned Senior counsel for the petitioner and Mr. Anand Kumar Ojha, learned counsel for the Distribution Company.

The grievance of the petitioner lies in the bill dated 12.3.2014 placed at Annexure-10 to the writ petition which shows an outstanding energy arrears of Rs. 29,590/- and is also accompanied with charges towards delayed payment surcharge.

It is the contention of Mr. Pradhan that a dispute as



regarding the bills has been raised by the petitioner right since 1994 and despite the fact that the petitioner has been drawing the attention of the concerned authorities, they did not bother to consider the grievance raised rather have not only proceeded to issue the bill in question but have also subsequently disconnected the electric connection of the petitioner in the month of May, 2014.

Mr. Pradhan has relied upon a report of the Deputy Superintendent of Police, Vigilance Investigation Bureau placed at Annexure-13 to the writ petition which is addressed to the Deputy Inspector General of Police, Vigilance Investigation Bureau and with reference thereto, he submits that the grievance of the petitioner that the respondents have been issuing incorrect bills and the petitioner has been raising her grievance since 1998 stands recognized. He submits that Deputy Superintendent of Police, Vigilance Investigation Bureau has after consideration of the matter recommended for action against the erring officials of the respondent company.

The arguments of Mr. Pradhan has been contested by Mr. Ojha to submit that any matter concerning an issue of disputed bill would be left best for adjudication by the forum constituted under Section 42(5) of the Electricity Act 2003 and the petitioner

can well raise her grievance before the said forum as raised before this Court.

The suggestion of Mr. Ojha is not being objected to by Mr. Pradhan who nonetheless prays for interim protection.

Having heard learned counsel for the parties and taking note of the issue raised in the writ petition which questions the bills issued by the respondent Distribution Company as to its veracity, this writ petition is disposed of affording liberty to the petitioner to raise her grievance before the Forum constituted under Section 42(5) of the Act within one month from today and any such grievance raised shall be considered and disposed of by the Consumer Grievance Redressal Forum in accordance with law. Even while relegating the petitioner for adjudication of her grievance by the Forum, this Court is satisfied that the petitioner is entitled for interim relief pending adjudication of the matter by the Forum and in the circumstances it is directed that upon deposit of a sum of Rs. 35,000/- by the petitioner towards the pending bills and upon production of the receipt showing payment before the respondent No.5, the Electrical Executive Engineer, that he shall ensure that the line of the petitioner is restored within 48 hours thereafter.

It goes without saying that consequent upon the restoration

of the energy connection the petitioner would be under a duty to make payment of the current charges as per the bill raised failing which the respondent Company would be entitled to proceed in accordance with law.

It goes without saying that the balance amount under dispute shall be subject to final outcome of the proceedings to be raised by the petitioner before the Forum.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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