

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7177 of 2013

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Kunal Kumar, Son of Sri Raj Kumar Mahto, C/O - Alok Kumar, Resident
of New Khushwaha Bij Bhandar, New Market, P.O. - Katihar, P.S. - Nagar
Thana, Dist – Katihar. Petitioner

Versus

1. The State of Bihar
2. The Executive Engineer (Town), Katihar Electricity Board, Katihar,
P.S. - Katihar, Dist - Katihar
3. The Sub Divisional Officer (Town), Katihar Electricity Board, Katihar ,
P.S. - Katihar, Dist - Katihar
4. The Junior Engineer (Town), Katihar Electricity Board, Katihar, P.S. -
Katihar, Dist - Katihar
5. The Assistant Electricity Engineer (Town), Katihar Electricity Board,
Katihar, P.S. - Katihar, Dist - Katihar
6. The Station House Officer, Nagar Thana, Katihar, P.S. - Nagar Thana,
Dist – Katihar
7. The Superintendent of Police, Katihar, District- Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate
For the Respondent/s : Mr. Kaushal Kr. Jha, AAG-14
: Mr. Anad Kumar Ojha, Advocate

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

3 10-08-2015 A raid was conducted on the premises of Kushwaha

Bij Bhandar on 14.03.2013. The petitioner was found committing
theft of energy by use of Toka and the authorities apprehended the
petitioner and produced him before the police. The authorities also
prepared an inspection report in which the petitioner was
described as the occupant of the place.

2. It is the case of the respondents that the petitioner
deposited the punitive amount.

3. The petitioner submits that he is a mere servant in
the Bij Bhandar. The owner/occupant and the licensee is one Alok

Kumar. He thus submits that the amount to the tune of Rs.81,451/- be refunded to him, which was deposited under pressure.

4. Mr. Ojha, learned counsel for the Board submits that the liability of paying the bill is on the person running the business or one who is occupant of the premises.

5. Having regard to the facts and circumstances of the case, liberty is granted to the petitioner to represent before respondent no.2 that recovery ought to have been done from Alok Kumar, as he was running the business and also being occupant of the premises. Thereafter the respondent would proceed to consider the matter and would dispose it of after giving a personal hearing to the petitioner and Alok Kumar. In case, it is found that Alok Kumar, who was running the business or was occupant of the house/premises, it would be open for the petitioner to make an application for refund of his money.

6. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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