

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22630 of 2013

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M/S Gyan Saw Mill, Main Road Kankarbagh, P.S. Kankarbagh, District- Patna, a Proprietorship firm through its Power of Attorney Holder Rajendra Singh, son of Late Charan Singh, resident of Mohalla- Khagaul Road, Mithapur, P.S. Jakkanpur, District- Patna.

.... Petitioner

Versus

1. The South Bihar Power Distribution Company Ltd., through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The General Manager-cum-Chief Engineer, PESU, Mangles Road, Patna.
3. The Electrical Executive Engineer, Electrical Supply Division, Kankarbagh, Patna.
4. The Assistant Electrical Executive Engineer, Electrical Supply Division, Kankarbagh, Patna.
5. The Junior Electrical Executive Engineer, Electrical Supply Division, Kankarbagh, Patna

.... Respondents

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Appearance :

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

: Mr. Vinay Mistry, Advocate

For the Respondent/s : Mr. Anand Kr. Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 30-11-2015 Heard learned counsel for the petitioner and the respondents.

The petitioner is an L.T.S. consumer having a Saw Mill in Kankarbagh, Patna. He was found tapping energy unauthorizedly, for which a criminal case was also instituted under Section 135 of the Electricity Act.

Pursuant to institution of criminal case, a provisional assessment showing a loss of Rs.74,909/- was raised against the petitioner. The petitioner filed objection pursuant to which final

assessment order was passed under Section 126 (3) of the Electricity Act.

The petitioner has admittedly paid the punitive bill but with objection. Pursuant to the payment of the amount, the electric line of the petitioner has to be restored, as such some part of the dispute stands settled.

It is always open to a consumer to challenge the final assessment order in appeal, unless and until he admits the final assessment order without any protest. In case an appeal is filed within a period of four weeks with a condonation petition, the delay in filing the same would be condoned, as the petitioner was pursuing his remedy before this Court.

With the aforesaid liberty, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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