

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6196 of 2011

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1. M/S Anup Takies at Ram Raj Chawk, Mazarul Haque Path, Dahiawan, Chapra, through its Proprietor Nand Kumar Singh.
2. Nand Kumar Singh Late Prabhu Nath Singh, Proprietor, M/S Anup Takies at Ram Raj Chawk, Mazarul Haque Path, Dahiawan, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Energy.
2. The Bihar State Electricity Board, Patna through its Secretary.
3. The Chairman Bihar State Electricity Board, Patna.
4. The Secretary, Bihar State Electricity Board, Patna.
5. The Finance Controller, Bihar State Electricity Board, Patna.
6. The General Manager-Cum-Chief Engineer, Bihar State Electricity Board, Tirhut Electricity Supply Area, Muzaffarpur.
7. The Deputy Director of Accounts, Bihar State Electricity Board, Tirhut Electricity Supply Area, Muzaffarpur.
8. The Superintending Engineer, Electrical Circle, Chapra.
9. The Executive Engineer, Electrical Circle, Chapra.
10. The Assistant Electrical Electrical Sub-Division Chapra.
11. The Accounts Officer, Electrical Circle, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
For the Respondent No.1 : Mr. Shashi Shekhar Pd. Singh, AC to GA 13
For the Respondent Nos. 2 to 11 : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-05-2015

Heard the parties.

When the matter has been taken up for consideration on merits, a counter affidavit on behalf of the respondent Bihar State Electricity Board is being filed after service of its copy upon the learned counsel appearing on behalf of the petitioners, which is taken on the record.

The matter at issue is the alleged wrong bills raised by the respondent Electricity Board and its officials for consumption of electricity by the petitioners.

At the very outset, learned counsel appearing on

behalf of the respondent Nos. 2 to 11, by referring to the averments made in the counter affidavit filed on behalf of the Electricity Board, submits that in exercise of powers under Section 42 (5) of the Electricity Act, 2003, Consumer Grievance Redressal Forum has been constituted and the issues raised herein by the petitioners can very well be examined and decided by the aforesaid Consumer Grievance Redressal Forum. According to him, the petitioners have alternative and efficacious remedy before the statutory forum constituted under the provisions of the Electricity Act, 2003.

This Court is of the considered opinion that the issues of facts raised on behalf of the parties must be examined and conclusively decided by the Statutory Forum(s) and only thereafter powers of judicial review under Article 226 of the Constitution of India may be invoked.

Admittedly, the petitioners have not exhausted the alternative remedy available to them under the law, as noticed above.

In above view of the matter, the writ petition is dismissed with a liberty to the petitioners to approach the appropriate authority/Forum for redressal of their valid grievances.

If such a petition is filed on behalf of the petitioners within a period of three weeks from today with a certified copy of the present order, then the appropriate authority/forum shall consider their claim(s) on merits without being influenced/prejudiced by the rejection of the present writ petition. If such petition is found to have become barred by limitation and any petition is filed on behalf of the petitioners for condonation of such delay, then the limitation shall be condoned taking into

consideration the fact that on a bona fide legal advice, the present writ petition was filed on 05.04.2011 and that remained pending before this Court till date, and thereafter shall hear the matter on merits without dismissing the same on the ground of limitation.

(Birendra Prasad Verma, J)

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