

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12000 of 2011

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1. Shanti Prasad Sri Chandradeo Prasad I.A.S Colony, Rupaspur, South Of
Bailey Road, Danapur, Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Through Its Chairman, Vidyut Bhawan
Bailey Road, Patna
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan ,Bailey
Road, Patna
3. The Joint Secretary Bihar State Electricity Board, Vidyut Bhawan, Bailey
Road,Patna
4. Chief Engineer-Cum General Manager Bihar State Electricity Board,
Mangles Rd. Patna
5. Electrical Executive Engineer, Bihar State Electricity Board, Danapur
Division, Danapur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivek Prasad

For the Respondent/s : Mr. Prakash Kumar, Advocate

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

2 03-08-2015 Heard learned counsel for the petitioner and learned
counsel appearing for the Board.

The petitioner is a consumer of DSII connection. The
petitioner submits that the respondent Board has not been issuing
electrical bill regularly inasmuch as she did not receive any
electrical bills for the period from October, 2010 to May, 2011.
However, after lot of persuasion she was shown the amount due
to her in July, 2011. The petitioner under protest paid the amount
so demanded.



A counter affidavit has been filed on behalf of the Board stating therein that the bill has been charged as per the tariff. A supplementary counter affidavit has been filed wherein in paragraph 6 it has been stated that net payable amount by the petitioner as on 10.8.2015 is Rs.39,042/- and added the left over amount of Rs.24,590/- the total energy bill up to July 2015 is Rs.63,632/- which is payable by the petitioner.

I find that the respondents found that a sum of Rs.24,590/- was wrongly not added in the ledger and as such after adding the aforesaid amount, the total energy bill up to July, 2015 came to Rs.63,632/- which includes a sum of Rs.1065.21 as the amount of D.P.S.

In my view, no Delayed Payment Surcharge would be chargeable on the amount which the Board itself could not properly accounted for earlier while issuing the bill. Similarly, no D.P.S. of Rs.730/- would be chargeable in the cumulative bill issued in July 2011 for the period October, 2010 to May, 2011. The aforesaid D.P.S. amount of Rs.1065.21 and Rs.730/- has to be deleted from the total bill payable by the petitioner. It will be open for the petitioner to make a representation before the respondent No.5, the Electrical Executive Engineer, Danapur Division or the Electrical Superintending Engineer, Incharge of

the area for fixing an installment, which would be disposed of within three weeks from the date of its filing.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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