

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12312 of 2012

=====

1. JITENDRA KUMAR DEV S/O JAGDISH LAL DEV
2. LALITA DEVI WIFE OF JAGDISH LAL DEV
3. NEELAM DEVI DAUGHTER OF JAGDISH LAL DEV
4. PINKI DEVI DAUGHTER OF JAGDISH LAL DEV , ALL RESIDENT OF MOHALLA
KHAGRA, NEAR RAILWAY GUMTI POST-OFFICE, POLICE-STATION AND
DISTRICT KISHANGANJ Petitioners

Versus

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE, KISHANGANJ
3. THE CERTIFICATE OFFICER, KISHANGANJ
4. THE BIHAR STATE ELECTRICITY BOARD, PATNA- 1 THROUGH ITS
CHAIRMAN
5. THE GENERAL MANAGER-CUM-CHIEF ENGINEER, KOSI AREA,
ELECTRICITY BOARD, SAHARSA
6. THE SUPERINTENDING ENGINEER ELECTRICITY SUPPLY CIRCLE,
PURNEA
7. THE EXECUTIVE ENGINEER, ELECTRICITY SUPPLY DIVISION,
KISHANGANJ
8. THE ASSISTANT ELECTRICAL ENGINEER, ELECTRICITY SUPPLY
DIVISION, KISHANGANJ
9. SHISHIR KUMAR DAS SON OF SADANAND DAS RESIDENT OF MOHALLA
KHAGRA, WARD NO. 6, TOWN POST OFFICE, POLICE-STATION & DISTT.
KISHANGANJ
10. SHOBHA RANI DAS WIDOW OF LATE BHUP NARAYAN DAS RESIDENT OF
MOHALLA KHAGRA, WARD NO. 6, TOWN POST OFFICE, POLICE-STATION
& DISTT. KISHANGANJ Respondents

=====

Appearance :

For the Petitioner/s : Mr. Harshvardhan Shivsundaram, Advocate
For the Respondent/s : Mr. Radhika Raman GP 23.

=====

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

6 12-08-2015 On 4.8.2015, the writ petition had been directed to be put
up after a week i.e. on 12.8.2015, but inadvertently, the said
date is mentioned as 18.8.2015. Let the same be read as
12.8.2015.

The original petitioner prayed for compensation against
issuance of energy bill in his name for the power supplied to
respondent nos. 9 and 10. He further prayed for return of the
security money and realization of pending energy bill from
respondent nos. 9 and 10 for which Certificate case no. 2/93-94

had been initiated.

It is the case of the original petitioner that he started Ata Chakki and Husking Mill on his land on LT Agreement vide Consumer no. 1595/73. In 1975, the line was disconnected as he failed to pay the bill of Rs.1790 dated 3.9.1975. Thereafter, the line was never restored. Thereafter, one Bhup Narayan Das purchased the machineries of the petitioner for respondent nos. 9 and 10 on 12.8.1976. The petitioner intimated the electricity office at Kishanganj in writing and made a request for refund of security money of Rs.750/- as in terms of agreement he paid all the dues of the electricity on 21.9.1976. The petitioner stated that respondent no.9 installed the said machineries on his own land and started his business. But the officers of the Electricity board in league with respondent no.9 continued to supply bill. The respondents also filed Certificate case no.2 of 1992-93. The petitioner filed Title suit no. 10 of 1993 in which it was held that the certificate case would not be binding on the petitioner as he is not the consumer of the Electricity Board. Title appeal No.16 of 1999 filed by the Board too failed. After long persuasion, name of the original petitioner was deleted from the certificate case and name of respondents no. 9 and 10 was entered. It appears that the record of certificate case got misplaced in the meanwhile, which according to the petitioner, is a handy work of the Board authorities.

Counter affidavit has been filed stating that when the records of certificate case was misplaced, it was reconstructed. The Company (earlier the Board) states that the original petitioner, due to his own deliberate fault, has become victim of misdeeds for which the respondent-Company is not liable for compensation.

It appears that the original petitioner had filed Title suit no. 10 of 1993. It was disposed of on 17.12.1998 by the Sub-judge II, Kishanganj holding that the certificate case would not be binding on the petitioner as he is not the consumer of the Electricity Board. Said order had been challenged by the Board in Title appeal no.16/1999 which was dismissed on 29.10.2008 affirming the judgment of the trial court.

In that view of the matter, the Company should refund the security money deposited by the petitioner. However, it would be open for the petitioner to move before the appropriate forum in respect of his other grievances.

The writ petition stands disposed of.

(Samarendra Pratap Singh, J)

Shashi.

U			
---	--	--	--