

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14228 of 2002

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Sunil Kumar Sharma son of Late Sachchidanand Sharma, R/o Flat No. 02,
Geetanjali Apartment, P.S. Shastri Nagar, Patna.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, through its Secretary.
2. The Superintending Engineer, PESU, Patna.
The Executive Engineer, PESU, Mangals Road, P.S.Sachiwalaya, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

Mr. Sanjay Kr.Singh, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Adv.

Mr.Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-04-2015

Heard counsel for the petitioner and the Bihar State Electricity
Board.

As per claim of petitioner, he has purchased Flat No.G-2 behind
J.D.Women's College developed by the Asiana Navnirma in the name and style
of "Geetanjali Apartment Block B".

Petitioner received allotment of the flat in December 2000 and
took possession in June 2001 and since then he has been utilizing the electric
power.

Claim has been made that in the month of June 2001 he was
served with a bill of Rs. 193.00 which he paid. Thereafter when the petitioner
checked the meter it was found defective on 18th July 2001.

Petitioner submitted a representation before the Executive
Engineer and requested for replacement of the meter. Claim has been made that
petitioner has been served electrical bill on average consumption of $228 \times 2 = 576$
unit per month of Rs. 4,126.19.

After receipt of the said demand, petitioner made a representation
and requested for correction of the bill showing his readiness to pay the actual

consumption claiming the demand being exorbitant.

The Board in its counter affidavit has stated that in pursuance of letter dated 18th July 2001, the Senior Electrical Engineer(Revenue) vide his letter No. 3028 dated 31st December 2001 requested the petitioner to submit his own meter so that it can be replaced. The meter of the petitioner has been replaced on 13th August 2003 and, accordingly, bills were raised thereafter on the basis of reading of the new meter.

During the course of argument, it transpired that though the petitioner is utilizing the electric power but is not paying the electrical bill which is unfortunate on the part of petitioner. Petitioner has claimed that he is ready to pay the amount but the Board is not taking the money from him.

As it appears that the meter has remained defective for certain period but even after replacement the petitioner did not take pain to deposit the bill.

This Court directs that the petitioner will file a representation before the Superintending Engineer, PESU, West along with copy of this order within 15 days with regard to the period during which the meter remained defective will only be under consideration before the Superintending Engineer who will decide his case in accordance with law and serve fresh bill within a period of one month from the date of receipt of representation.

With regard to other period, petitioner may file an application for installment and the authority will pass order in accordance with law.

So far current bill is concerned, the petitioner is directed to deposit the same on month to month basis, in failure, respondent authority will disconnect the power of premises of petitioner.

With the above observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)