

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3351 of 2015

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Rajnish Ranjan S/o Ram Prakash Ray Resident of Naresh Bhawan, C.T. Marg
Gannipur, P.O. Ramana, P.S. Kaji Mohammadpur, District Muzaffarpur.

.... Petitioner

Versus

1. The Bihar State Electricity Board, Bailey Road, Patna through its Chairman.
2. Managing Director, North Bihar Power Distribution Company Ltd., Muzaffarpur.
3. Executive Officer, North Bihar Power Distribution Company Ltd. (Rular), Muzaffarpur.
4. North Bihar Power Distribution Company Ltd. through Assistant Electrical Engineer, Electric Supply Sub-Division, Dholi in the District of Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : M/s. Sarvadeo Singh and
Sanjay Kumar, Advocates
For the State : Mr. Anand Kumar Ojha, ASC, Bihar State Power
Holding Company Ltd.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-03-2015

I have heard learned counsel for the petitioner and the
learned Additional Standing Counsel Bihar State Power Holding
Company for the respondents.

A short question has been raised at the time of hearing
on behalf of the petitioner. It is contended that the impugned order
communicated to him vide Annexure-1 which is a letter no.103 dated
12.02.2015 cancelling the agreement between the parties and directing
him to return all the concerned files to the concerned officer within
seven days would be in teeth of the well established principle of
natural justice inasmuch as such decision has been taken unilaterally

without granting any opportunity to the petitioner to show cause.

Short facts of the case are that the petitioner was given Rural Revenue Franchise for distribution of electricity bill and collection of revenue. However, it is alleged that the officials of the respondents started posing problems to the petitioner which is a fact seriously disputed by the respondents.

Be that as it may, learned counsel appearing for the respondents could not confront on instruction the allegation of the petitioner that the decision contained in Annexure-1, which would have a serious civil consequence, has been taken without issuance of any show cause notice upon him.

In such a situation, this Court would be constrained to hold that the impugned decision as contained in Annexure-1 suffers from the vice of arbitrariness and would be in teeth of the principle of natural justice and, as such, the same would not be sustainable in law.

Accordingly, the impugned decision contained in Annexure-1 is quashed and set aside. However, the respondents would be at liberty to proceed afresh against the petitioner, if they so desire, in accordance with law and after following the principal of natural justice by issuance of a show cause notice and take a final decision after consideration of the reply of the petitioner to the show cause notice if furnished within the stipulated time.

The petitioner would also be at liberty to approach the authority concerned for payment of the admitted dues which should be considered in accordance with law within a period of four weeks from the date of filing of such representation along with a copy of this order. However, it is made clear that this Court has not formed or expressed any opinion with regard to such matter. Let a decision upon that be taken by the respondent no.3, i.e., the Executive Officer, North Bihar Power Distribution Company Ltd. (Rural), Muzaffarpur.

(Dr. Ravi Ranjan, J)

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