

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20755 of 2014

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1. Bimal Singh Son of Sri J. N. Singh resident of village- Chirand, P.S. Doriganj, District- Saran at Chapra. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director.
2. The North Bihar Power Distribution Company Limited through its Director.
3. The Electrical Superintending Engineer Saran at Chapra.
4. The Electrical Executive Engineer Saran at Chapra.
5. The Assistant Electrical Engineer Saran at Chapra. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 29-01-2015 Heard Mr. Ajay Kumar Sharma learned counsel for the petitioner and Mr. Vinay Kirti Singh learned counsel for the respondents.

The writ petition was filed questioning the electricity bill dated 11.12.2013 raised for a sum of Rs. 2,73,752.74. According to the petitioner although he applied for a three phase connection but was granted only a single phase connection and the bill was raised on the basis of three phase supply.

A counter affidavit has been filed by the respondent-Company contesting the stand of the petitioner of single phase supply. It is submitted that the petitioner is running a petrol pump and has three phase supply. During the course of hearing Mr. Vinay Kirti Singh has produced a disconnection notice dated 5.4.2014 which shows that an amount of Rs. 2,86,328/- is

outstanding against the petitioner. It is stated that since the petitioner did not comply with the disconnection notice that his supply stands disconnected since 25.4.2014 and communicated vide letter No. 968 dated 26.8.2014 of the Junior Electrical Engineer.

Learned counsel has also produced a photograph of the meter to demonstrate that there is a three phase supply in the petrol pump of the petitioner.

It is further submitted by Mr. Singh that in view of the provisions underlying Section 42(5) of the Electricity Act, 2003, if the petitioner is dissatisfied by the bill he can take recourse of the remedy so provided under the Act.

Mr. Ajay Kumar learned counsel for the petitioner while not contesting the submission made by Mr. Singh regarding the remedy available under Section 42(5) of the Act submits that until consideration of the matter by the Consumer Grievance Redressal Forum, the line of the petitioner be restored upon payment of 50% of the amount reflected in the disconnection notice. He further submits that the remaining amount also would be paid by the petitioner in installments along with the current charges following the restoration of electric line.

Having heard learned counsel for the parties and taking note of the grievance raised, the writ petition is disposed of with

liberty to the petitioner to raise his grievance against the electric bill raised by the respondent Company by filing an appropriate application before the Forum constituted under Section 42(5) of the Act. However, in so far as the interim relief prayed by the petitioner is concerned, I find that the outstanding amount mentioned in the disconnection notice is Rs. 2,86,238/- and in case the petitioner deposits a sum of Rs. 1,50,000/- against the said bill and produces a receipt thereof, the electric line of the petitioner shall be restored by the Electrical Executive Engineer, Saran at Chapra within 48 hours thereof.

The balance amount of the electric bill along with current charges would be paid by the petitioner in four equal monthly installments.

It goes without saying that the payments made by the petitioner against the bill dated 11.12.2013 would be subject to the final outcome of any proceedings taken recourse to by the petitioner before the Consumer Grievance Redressal Forum.

The writ petition is disposed of.

(Jyoti Saran, J)

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