

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.434 of 2014

In
Civil Writ Jurisdiction Case No. 13707 of 2014

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North Bihar Power Distribution Company Limited, through Pranab Kumar son of late Tilakdhari Singh, resident of village & P.O.Nanand, P.S. Silao, District Nalanda, presently posted as Electrical Executive Engineer, Electric Supply Division, Purnea

.... Petitioner/s

Versus

M/s Venky Steel Private Ltd., National High Way-31, Bypass Road, Belaury, Purnea, District-Purnea through its Director Chakarwati Prasad, son of Sri Brahmadeo Prasad Das, resident of Sri Krishna Nagar, P.O. & P.S. & District Begusarai

.... Respondent/s

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Appearance :

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

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-09-2015 Heard Mr. Vinay Kirti Singh, learned counsel for the petitioner.

This application has been filed for review of the order dated 26.9.2014 passed by this Court in C.W.J.C.No.13707 of 2014 whereby the writ petition filed by the North Bihar Power Distribution Company has been dismissed.

The short issue raised by the petitioner for review of the order is that the Consumer Forum constituted under Section 42(5) of the Electricity Act, 2003 had gone beyond its jurisdiction to direct the Distribution Company to issue a fresh bill after recalculating the 'delayed payment of surcharge' for only 4 months which according to Mr. Singh, is an order without jurisdiction. It is the argument of Mr. Singh that the bill raised was

under the HT Agreement and thus beyond the jurisdiction of the Consumer Forum to adjudicate on the same.

The arguments advanced and grounds so raised by the review petitioner affects the merits of the matter in dispute and cannot be a ground for review for these were issues much available to the review petitioner at the stage of hearing of the writ petition. The review petitioner practically seeks a rehearing of the matter. None of the grounds so raised herein, either points towards any error apparent on the face of the record or of discovery of new facts. In my opinion, simply because certain issues which according to the review petitioner were relevant and were not placed before the court, cannot be a ground for review. As I have observed the review petitioner in the garb of review attempts for rehearing of the matter.

The order passed in the writ petition put to review in the review application was dictated in the open Court and the arguments advanced on behalf of the counsel for the North Bihar Power Distribution Company stands noted and rejected.

This Court is not persuaded with the arguments of Mr. Singh nor the grounds so raised warrant any review. This Review petition is dismissed accordingly.

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(Jyoti Saran, J)