

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17254 of 2014

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1. Dr. Arvind Kumar S/o Late Ramchandra Prasad R/o Village/P.O./P.S. Dighwara, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Govt. of Bihar, Patna.
2. The Chairman-cum-Managing Director, Power Holding Corporation, Vidhyut Bhawan, Patna.
3. The Superintendent Engineer, North Bihar Power Holding Corporation, Electric Supply Division, Chapra.
4. The Executive Engineer (East), North Bihar Power Holding Corporation, Electric Supply Division, Chapra.
5. The Assistant Electricity Engineer, Electric Supply Sub-Division, Soanpur.
6. Junior Engineer, Electricity Supply Division, Dighwara, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar, Adv.

For the Respondent/s : Mr. Sanjay Pandey, GP-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-04-2015 By way of this writ petition, the petitioner questions the final assessment order dated 20.8.2014 as contained in Annexure-1B passed by the Assessing Officer- cum-Assistant Electrical Engineer, Electrical Supply Division, Sonapur quantifying the final demand at Rs.2,12,171/-.

The petitioner has also endeavoured to question a notice which is dated 29.1.2013 which is nowhere connected to the final assessment order.

Records manifest that the proceedings so initiated by the



respondents was questioned by the petitioner in C.W.J.C. No. 5697 of 2013 and a Bench of this Court taking into consideration that the matter was yet pending before the Assessing Authority disposed of the writ petition vide order dated 17.4.2013 with the direction to the Assessing Authority to consider the objection of the petitioner and pass appropriate orders in accordance with law. A copy of the order passed in the writ petition is present at Annexure-9. Since the order was not complied with that the petitioner filed a contempt application in this Court bearing M.J.C. No. 2268 of 2014 and during its pendency the final assessment order placed at Annexure-1B was passed on 20.8.2014. The Bench considering the circumstances disposed of the contempt application vide order dated 26.8.2014 affording liberty to the petitioner to question the final assessment order in an appropriate proceedings in accordance with law. Following the liberty, the petitioner is before this Court attempting to question the final assessment order dated 20.8.2014 placed at Annexure-1B and in the same exercise questions a notice dated 20.9.2013 which has at present lost its significance in view of the final order of assessment. Section 127 of the Electricity Act, 2003 provides for a remedy of appeal to the petitioner to question an order of final assessment and which appeal is to be filed within 30 days from the

date of the order.

In view of the statutory remedy of appeal so available to the petitioner under Section 127 of the Act to question the final order of assessment, this writ petition is disposed of with liberty to the petitioner to exhaust the statutory remedy of appeal so available to him under Section 127 of the Act.

It goes without saying that any appeal preferred by the petitioner within 30 days from today would be considered by the appellate authority and disposed of in accordance with law after an opportunity of hearing to the petitioner.

(Jyoti Saran, J)

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