

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9001 of 2011

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1. Jasprit Singh son of Sri Jasbir Singh (Proprietor, M/S. Mega Health Care System, Naya Tola, Patna), resident of 301, Gauri Shankar Complex, Lohia Nagar, Kankarbagh, P.O. P.S. Kankarbagh Town & Distt. Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna Through Its Chairman
2. The General Manager cum Chief Engineer, Patna Electric Supply Undertaking Mangles Road, Patna
3. The Electrical Superintending Engineer, Patna Electric Supply Undertaking (East) Shivalaya Market, Ashok Rajpath, Patna
4. The Electrical Executive Engineer, Bahadurpur Division, Bihar State Electricity Board, Kankarbagh, Patna
5. The Assistant Electrical Engineer, Bahadurpur Division, Bihar State Electricity Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SURAJ SAMDARSHI

For the Respondent/s: Mr. VINAY KIRTI SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-07-2015

Clause 6.31 of the Supply Code will govern the issue relating to the petitioner. If excess load was found on inspection then such a situation has been provided for in Clause 6.31 of the Supply Code. On the date of adjudication such a provision was very much in place.

Submission of the learned counsel representing the petitioner that he is not liable to pay anything over and above the consumption, which is reflected in the meter because the meter was not defective, is not an acceptable position in law for the reason that

the erstwhile Electricity Board has given notice to all the consumers to assess their load as well as make an application in conformity with consumption and load.

There are other kinds of liability which is also created by virtue of additional load factor beyond the sanctioned load. Therefore, mere consumption cannot alone be the basis for deciding the liability against consumption of the petitioner in this regard.

No interference is warranted with the order in question as the same is based on the provisions in place including Clause 6.31 of the Supply Code

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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