

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11081 of 2015

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Ram Chandra Ram, S/o Late Jagal Bhagat, Resident of Village- Nighain,
P.O.- Sinduyari, P.S.- Koanch, District- Gaya..... Petitioner/s

Versus

1. South Bihar Power Distribution Company Ltd., situated at Vidyut Bhawan, Bailey Road, P.S.- Kotwali, District- Patna through its Managing Director.
 2. The Managing Director, South Bihar Power Distribution Company Ltd., situated at Vidyut Bhawan, Bailey Road, P.S.- Kotwali, District- Patna.
 3. The Electrical Executive Engineer, Electric Supply Division, New Capita, P.S.- Kotwali, District- Patna.
 4. The Assistant Electrical Engineer, Electric Supply Sub-Division, Khajpura, P.S.- Shastrinagar, District- Patna. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 05-10-2015 The petitioner seeks a direction to the respondent Power Distribution Company Ltd. to provide electric connection in Flat no. C 304, 3rd floor in Block C in Saket Vihar Apartment situated at Mohalla Khajpura.

Counsel for the Company refers to paragraph 10 of the counter affidavit and submits that as there is energy dues against the previous occupier of the said flat, the electric connection is not being provided in view of Clause no.4.15(ii) of the Bihar Electricity Supply Code, 2007 which states that *before sale of a premise is made, the outstanding dues will be cleared or alternatively the agreement/sale deed will specifically mention the outstanding dues and the method of its payment. "Outstanding dues" means all dues pending on a premise including late payment surcharge.*

Nonetheless, clause 4.15 (i) states that *it would be the duty of the seller to find out the outstanding electricity dues up to the date of sale, and liable to pay the outstanding electricity dues/obtain no dues certificate.*

Having regard to the facts of the case, I direct that if the petitioner files his representation before respondent no.3, he would dispose of the same after providing a personal hearing within a period of three weeks from the date of receipt of this order.

(Samarendra Pratap Singh, J)

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