

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5081 of 2002

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1. Shiv Yadav
 2. Ram Sahay Yadav
 3. Chandra Deo Yadav, all sons of late Ratan Gope, residents of Village Sadipur, P.S. Buniyadganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna through its Secretary
3. The Electrical Executive Engineer, Electric Supply Division, Gaya East
4. The Electrical Executive Engineer (Revenue), Gaya East
5. The Collector, Gaya
6. The Certificate Officer, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.D.Sanjay
For the Respondent/s : Mr. Akhileshwar Singh, J.C. to
Mr. Vinay Kirti Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-04-2015

Heard the parties.

In the present case petitioners are challenging the bill amounting to Rs.48,578.95 which was raised in the name of these petitioners after 17 years of death of their father.

As has been claimed that father of the petitioners for running agricultural pumping set had applied for electrical connection and accordingly vide Consumer No. R/1364 IAS the Board has given electrical power for the agricultural purposes. As has been claimed by the petitioners their father has died much earlier and after his demise they sent registered



letter dated 12.9.1983 for disconnection of electrical power as pumping set itself was out of order and they were not utilizing the Pumping set for the purposes of irrigating the field. It has further been claimed that after October, 1983 the Board has not supplied the electrical power to them, they have presumed that their application has been entertained and power has been disconnected. After lapse of 17, in the year 2000 the Board has served demand of Rs.48,578.95.

Plea has been taken in the present writ petition that father of the petitioners was a farmer and so much so after the death of their father they have filed an application for disconnection of the power and accordingly they were not given any power nor utilized the same. It does not stand to reason that the Board has served the bill after lapse of 17 years which itself is barred by limitation as money claim cannot be entertained after three years.

Learned counsel for the Board has tried to justify the action of the Officers of the Board and submitted that petitioners are sons of the original consumer and any debts incurred by the father, the sons are under obligation to liquidate all out standing dues of his father.

Having considered the rival contention of the parties as

has been claimed that petitioners have filed an application vide registered letter dated 12.9.1983 for disconnection of power and from October 1983 they were not given electrical power. It is a disputed fact whether they have utilized the electrical power or not but the facts remain that after lapse of 17 years serving bill of Rs.48,578.95 cannot be justified, when they requested for disconnection of electrical power. Consequent upon this a certificated proceeding for recovery of dues was initiated after serving notice no.456 dated 31.12.1996.

This Court feels that the action of the officers of the Board serving the bill of Rs.48,578.95 after lapse of 17 years which is a money claim itself cannot be approved. Accordingly the bill raised against the petitioners and certificate proceeding arising from bill are hereby quashed.

Accordingly this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

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