

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6986 of 2000

Pravina Kumari, wife of Sri Om Prakash Singh, Ratanpur House Kumhar Toli
Kankarbagh Main Road, Patna-20

.... Petitioner/s

Versus

1. Bihar State Electricity Board through its Chairman.
2. Chief Engineer-cum-General Manager, Patna P.E.S.S.U

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jugal Kishore Sinha,
Mr. Ravindra Kumar, Advocates.

For the Respondent/s : Mr. Vinay Kirit Siungh, Addl.Standing Counsel,
S.B.P.D. Company, Ltd.
Mr. Vijay Kumar Verma, Advocate,
S.B.P.D. Company, Ltd.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-04-2015

Heard the parties.

In the present writ petition, petitioner has raised a grievance that respondents have refused to give electrical connection in Holding No.746 situated in Kumhar Toli, Kankarbagh, Main Road, Patna-20.

Originally Holding No.746 was belonging to late C.N. Singh who died leaving behind six sons. From first wife he has three sons, namely, Sri Vinay Krishna, Sr. Ajay Krishna and Sri Sanjay Krishna, from second wife he has three sons, namely, Sri Rajesh Kumar, Sri Om Prakash Singh and Sri Ved Prakash. There was an oral partition in between three brother, namely, Sri Rajesh Kumar, Sri Om Prakash Singh and Sri Ved Prakash and

husband of the petitioner was allotted one shop and two rooms for residential purposes. Petitioner applied for electrical connection in the portion which was allotted to the husband of the petitioner in her name on 29.4.2000.

The petitioner visited the office on several occasions, ultimately she sent registered notice vide letter dated 8.5.2000 to the Chief Engineer-cum-General Manager, Patna (respondent no.2) but it did not give any fruitful result, which compelled her to approach this Court.

Counter affidavit has been filed where it has been stated that there is outstanding dues against the premises amounting to Rs. 1,19,777/- and so long the aforesaid dues is not liquidated the petitioner cannot be granted any electrical connection.

In reply, it has been stated that outstanding dues is not against here father-in-law but the same is standing against the tenant, namely, Modern Cushion Works. Modern Cushion Works has taken power independently in its own name it is Modern Cushion Works which consumed the power and did not pay the amount. For non-payment of dues by the Modern Cushion Works it cannot be ground to deprive the petitioner from electrical connection and to suffer on account of action or in action committed by the tenant.

The revenue regulation provides that if the bill of the consumer is just going near to the security amount the duty of the Board to disconnect the power and when the tenant was about to consume more than security amount instantly the official should have disconnected the power in stead of asking the petitioner to deposit the dues standing against Modern Cushion Works.

This Court vide interim order dated 6.9.2000 directed the Board to give electric connection to the petitioner. The petitioner cannot suffer on account of in action of Board by not realizing amount of electrical bill from Modern Cushion Works. In such view of the matter, the interim order dated 6.9.2000 passed by this Court is hereby confirmed.

Accordingly this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

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