

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11224 of 2013

=====

Okendra Singh, Son of late Laxmi Narayan Singh, resident of Village-
Hardi Tola, Saraiya, Police Station- Baniyapur, District- Saran at Chapra.
..... Petitioner.

Versus

1. The Managing Director, North Bihar Power Distribution Company Ltd.
Bidyut Bhawan, Bailey Road, Patna.
2. The Electrical Executive Engineer, Electricity Supply Division, Chapra
(West).
3. The Assistant Electrical Engineer, Electricity Supply Sub-Division,
Baniyapur, Chapra.
4. The Officer Incharge, Baniyapur Police Station, Baniyapur, Saran at
Chapra.

..... Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate
	:	Mr. Ram Binod Singh, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Advocate
	:	Mr. Akhileshwar Singh, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 21-08-2015 Heard learned counsel for the petitioner and the
North Bihar Power Distribution Company.

2. The petitioner seeks quashing of final assessment
order dated 04.05.2013 of Assessing Officer-cum-Assistant
Electrical Engineer, Electricity Supply Sub-Division, Baniapur,
Chapra, whereby a punitive bill of Rs. 14,79,684/- was levied for
unauthorized use of Electric energy.

3. The case of the petitioner in short is that without
serving provisional bill, a final assessment order has been passed
and as such there was utter violation of principles of natural justice

and the petitioner was not in know how of the actual allegation against which he has to file objection under Section 126 of the Electricity Act.

4. Before I consider the submission of the parties, it would be relevant to notice the facts of the case in brief.

5. The petitioner applied for electric connection on 17.06.2011 for 20HP under LTIS category. On 30.06.2011, he deposited the supervision charge of Rs.28,399/-. According to the petitioner, an LT agreement was also executed between the petitioner and the Electricity Board on 23.08.2011. On 08.09.2011, the petitioner deposited Rs.22,500/- as security money for 15KW and Rs. 500/- as energy charge and Rs.200/- as meter charge. On 12.09.2011, the petitioner made an application to the Assistant Electrical Engineer, Sub-Division, Baniyapur, Saran informing that the wiring work for running the motor is going on and upon completion of the same, would solicit connection of energy line. On 19.03.2012, he informed the Assistant Electrical Engineer that the wiring work was complete. It is further case of the petitioner that electric connection was provided on 02.04.2012, though meter was not installed.

6. It appears that the premises of the petitioner was raided on 25.01.2013 and it is the case of the respondents that the



petitioner was unauthorizedly drawing a load of about 40HP in place of 20HP and was committing theft of electricity. An F.I.R. was instituted on 25.01.2013 and on the same day a provisional assessment bill was prepared. The petitioner has not filed objection either against provisional assessment or final assessment order.

7. It appears that whether the provisional assessment bill was served upon the petitioner is in dispute. The petitioner asserts that without provisional assessment bill, a final assessment order has been passed on 23.02.2013. In support of his submission, he has drawn my attention to order dated 22.04.2013 passed in C.W.J.C. No. 5753 of 2013, in which it was submitted that the provisional assessment order would be duly served. Besides, this information received under to Right to Information Act, also establish that the provisional assessment bill was not served.

8. I find that the petitioner has prima facie established a case that the provisional assessment bill was not served to him. In this view of the matter, the final assessment order is not sustainable and is set aside. Now that the petitioner has received copy of provisional assessment order, he will file an objection within a period of four weeks from today. Thereafter the

Assessing Officer would proceed to decide the matter after giving a personal hearing to the petitioner without any prejudice.

9. This Court has not expressed any opinion on the merit of the case.

10. This application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--