

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2143 of 2013

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Most. Meena Nandi wife of Late Nikhil Chandra Nandi, resident of
Mohalla- Chandani Chowk, Behind: Kali Mandir, Saharsa, Ward No. 20,
P.S.- Saharsa, District- Saharsa

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The General Manager-Cum-Chief Engineer, Kosi Electric Supply Area, Saharsa
3. The Electrical Superintending Engineer, Electric Supply Circle, Matasyagandha, Saharsa
4. The Electrical Executive Engineer, Electric Supply Division, Saharsa
5. The Assistant Electrical Engineer, Electric Supply Sub Division, Saharsa
6. The Junior Electrical Engineer, Electric Supply Section (West). Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun Pd. Keshri, Advocate

For the Respondent/s : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 22-06-2015

When the matter has been taken up for consideration, a counter affidavit is being filed on behalf of the successor Body of the Bihar State Electricity Board and its functionaries, which is taken on the record.

Heard the parties.

The grievance raised on behalf of the petitioner in the present writ petition is based on a disputed question of fact. According to the petitioner, she is liable to pay only Rs.4132 and 78 paise towards arrears for getting new connection of the electricity. However, according to the respondents, as asserted in the counter affidavit, the petitioner is required to pay Rs.26072 and 28 paise towards earlier dues for getting new connection of electricity.

It is well settled that disputed questions of fact cannot

be gone into in a proceeding under Article 226 of the Constitution of India.

In terms of Section 42 (5) of The Electricity Act, 2003, an alternative forum namely, Consumer Grievances Redressal Forum, Bihar, Patna has been constituted and is functional as per submission made by the learned counsel appearing on behalf of the respondents.

In above view of the matter, the petitioner is granted liberty to approach the aforesaid Consumer Grievances Redressal Forum for grant of appropriate relief. If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, the same shall be considered and decided on its own merits without being prejudiced by the rejection of the present writ petition. The petitioner shall be at liberty to raise all the issues of facts and law which have been raised in the present proceeding.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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