

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7601 of 2015

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Sahir Khan son of Dr. Irshad Khan resident of NH-31, jail Chowk, P.S.- K-Hat, District- Purnia. Petitioner

Versus

1. The Bihar State Power Holding Ltd. through its Chairman-cum-Managing Director, Viddut Bhawan, Bailey Road, Patna.
 2. The North Bihar Power Distribution Company Ltd. through its Managing Director Patna.
 3. The Electrical Superintending Engineer Electricity Supply Circle Purnia.
 4. The Executive Engineer electrical Supply Division Purnia
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 08-09-2015 The petitioner seeks quashing of letter dated 19.8.2014, issued by Assistant Electrical Engineer, Purnia (Urban) rejecting his prayer for grant domestic and commercial electric connection. He is also aggrieved by part of order whereby a sum of Rs.12,30,518/- was demanded for restoration of electricity connection in the premises.

The petitioner applied for 8 KW of commercial and 3 KW of domestic connection in his premises at Zila School road, Navratan Hata, Purnia, for which he deposited Rs.9,600/- and Rs.900/- respectively as security money. But his application was turned down broadly on the two grounds. Firstly, there was an arrear of energy dues of Rs.1,86,411/- on the premises. Besides

this, on a sudden inspection on 12.6.2013, his father was found drawing 21 KW commercial connection unauthorizedly, causing a loss of Rs. 13,05,134/- for which a police case, being K.Hatt Police station Case No. 232 of 2013 was also instituted against him.

The petitioner submits that he is ready to pay Rs.1, 86, 411/- due on the premises with respect to which he is seeking fresh connection. He submits that punitive bill raised against his father, is with respect to Yamaha Show room.

Learned counsel for the Power Holding Company submits that if petitioner wants a fresh connection, he has to pay the entire arrears amounting to Rs.1,86,411/-. In support of his submission, he refers to amended Clause 2 (i) of the Bihar Electricity Supply Code, 2007 which states that *“if there are arrears of electricity dues against the owner or occupier or tenant of a premises as a consumer, new connection shall not be denied to subsequent owner, occupier or tenant, and the arrear of the electricity dues on the premises shall be recovered from the defaulting consumers or alternatively the arrears may also be transferred to another running accounts of the defaulting consumer after adjustment of amount of security deposit and interest thereon and giving fifteen days notice”*.

It is a common case that there is dues of Rs.1,86,411/- with respect to the premises for which the petitioner is seeking fresh electric connection. There is no allegation of unauthorized use of electricity or any other energy bill pending against him. The petitioner is willing to pay the said amount. In case, the petitioner pays the arrears, he would be issued fresh electric connection, subject to fulfilling other formalities.

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(Samarendra Pratap Singh, J)