

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19886 of 2013

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1. Geeta Devi wife of Kailash Choudhary,
 2. Kailash Choudhary, resident of mohalla bank road, golghar, Police Station Gandhi maidan, patna

.... Petitioners

Versus

The State of Bihar & Ors

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shruti Sinha, Advocate

For the Respondent/s : Mr. Md. N. Hoda Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 09-10-2015 The petitioners submit that they applied for electric connection on 20.5.2013 for which a bribe was demanded by respondent no.5, failing which he manipulated an inspection of his premises on 6.7.2013, in which a punitive bill of Rs.48631/- was raised against petitioner no.1 alleging theft of electricity. He was also sent to jail.

The petitioners submit that they had purchased the land from one Sabnam Khatoon in 2009 through sale deed, who had purchased the same from brother of petitioner no.2 Rajesh Choudhary @ Rajan. He applied for energy connection on 20.3.2013, but as failed to satisfy respondent no.5, he managed inspection of his premises on 6.7.2013. He submits that there is no bar to fresh electric connection to a premises, even if owner has not liquidated the electricity dues, in view of section 56 of

the Electricity Act.

Counter affidavit has been filed by respondent no. 3 and 4. They state that there is an electric dues of Rs.51,473/- against Account no. 2144/172 on the premises in the name of Sri Sitaram. Besides this, in course of raid on 6.7.2013, petitioner no.2 was found committing theft of electricity.

I have heard learned counsel for the parties.

In case the complaint of the petitioner against respondent no.5 is correct, the same would be a matter of grave concern. If the Power Holding Company for whatever reasons refuses to grant electric connection, then it should reject the application assigning the reason, in place of keeping the same pending.

In the facts and circumstances of the case, if the petitioner files a detailed representation before respondent no.3 (South Bihar Power Distribution Company Ltd., through its Managing Director, Patna), he would dispose of the same by a speaking order after giving opportunity of hearing to the petitioners or their representatives. Petitioners may also resort to remedy available under section 126 of the Electricity Act.

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(Samarendra Pratap Singh, J)