

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18438 of 2014

=====

1. Vikash Kumar Dubey Son of Sri Deepak Dubey Resident of Bhitari Begumpur, Patna City, Police Station - Chowk, District- Patna.

.... Petitioner/s

Versus

1. South Bihar Power Distribution Company Ltd. Vidhyut Bhawan, Bailey Road, Patna-800001, through its Managing Director.
2. The Electrical Executive Engineer, Electric Supply Division, Patna City.
3. The Assistant Electrical Engineer, Electric Supply Sub-Division, Chowk, Patna City.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Bijpuria, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 23-04-2015 Heard Mr. Sudhir Kumar Bijpuria, learned counsel for the petitioner and Mr. Prakash Kumar, learned counsel for the Power Distribution Company.

The limited grievance of the petitioner is that the electric line to his premises has been disconnected without any notice.

Facts of the case briefly stated is that the petitioner is holding electrical connection which was granted in the name of his mother Sandhya Kumari bearing Consumer No. 87414 under DS-II Category. The electricity bill was being regularly paid by the petitioner who is residing in the house of one Bhagwati Devi situated at Humadgali Nahru Tola, P.O. Bhitari Begampur, P.S. Chowk, Patna City in the District of Patna.

The petitioner is stated to be residing in the premises since 1987 and there are no defaults to the payment of the electricity bill.

The grievance of the petitioner is that one Raju Kumar Mishra purchased the property in question through a sale deed and has filed an eviction suit bearing TES No.-272 of 2011 against the mother of the petitioner and upon her death, the petitioner stands substituted.

It is the case of the petitioner that the purchaser Raju Kumar Mishra made a prayer before the respondent Company for disconnection of the electric line and who have mechanically proceeded to disconnect the same on 2.9.2014 even when there are no defaults in payment of the electricity bill.

The grievance of the petitioner is that although an application was filed before the respondent No.2 Electrical Executive Engineer, Electric Supply Division, Patna Division on 6.9.2014, a copy of which is present at Annexure-2 but to no avail and hence this writ petition.

This matter was earlier heard on 19.12.2014 when learned counsel for the respondent Company was required to seek instructions and file counter affidavit and the matter was thereafter taken upon on 09.04.2015 and whereafter it has been taken up

today when it is stated by Mr. Prakash Kumar that although the counter affidavit is ready but cannot be filed in absence of affidavit. He however, does not dispute the facts elaborated in the writ petition. The status of the matter as it stands today is though there is an internal dispute in between purchaser of the property and the petitioner which is pending consideration before the appropriate forum in eviction Suit bearing T.E.S.No.-272 of 2011 but the electrical Company cannot become party to such dispute and take coercive measures against the petitioner even when he is not in default of payment of electrical charges which stands in the name of the mother.

In the circumstances, discussed and in absence of any default on the part of the petitioner in making payment of electricity bills, the action of the respondents in proceeding on the request made by a third party cannot be upheld. Accordingly, the electrical Executive Engineer, Electricity Supply Division is directed to restore the electrical connection of the petitioner within 48 hours of receipt/production of a copy of this order.

The writ petition is allowed.

Bibhash/-

(Jyoti Saran, J)

U			
---	--	--	--