

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19078 of 2014

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Ajay Kumar Singh, S/o Bansh Narayan Singh, Resident of Village Narbatpur Chuasa, Post Office Chuasa, Police Station Buxar (M), District Buxar.

.... Petitioner

Versus

1. The South Bihar Power Distribution Company Ltd. through its Managing Director, Second Floor, Vidyut Bhawan, Bailey Road, Patna-800001, Bihar.
2. The Managing Director, South Bihar Power Distribution Company Ltd.
3. The Executive Electrical Engineer, South Bihar Power Distribution Company Ltd., Buxar.
4. The Assistant Electrical Engineer (Revenue), South Bihar Power Distribution Company Ltd., Buxar.
5. The Assistant Electrical Engineer (Rural), South Bihar Power Distribution Company Ltd., Buxar.
6. The Junior Electrical Engineer (Chausa), South Bihar Power Distribution Company Ltd., Buxar (Rural).
7. The Junior Electrical Engineer (Revenue), South Bihar Power Distribution Company Ltd., Buxar.
8. Sri Saurabh Kumar S/o Baban Prasad Resident of Village Chausa Bazar, Mali Tola, Ward No. 7, Post Office Chuasa, Police Station Buxar (M), District Buxar.
9. Sri Shyam Agarwal S/o Durga Prasad Resident of Village Buxar Bazar Samiti Road, Sita Ram Nagar, Post Office Gajadharganj, Police Station Buxar Town, District Buxar.

.... Respondent

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Appearance :

For the Petitioner : Mr. Parijat Saurav, Advocate
For the Respondent - : Mr. Anand K.Ojha, Add.S.C.BSPHCL
BSPHCL

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-02-2015

Heard learned counsel for the petitioner and the respondents- South Bihar Power Distribution Company Ltd.

Petitioner claims that he was given rural franchise for meter reading, bill distribution and collection of the revenue. However, vide Annexure 15 dated 13.10.2014 his franchise has been cancelled.

A short question has been raised on behalf of the petitioner that his franchise could not have been cancelled without issuance of any show cause notice.

In the counter affidavit the fact that franchise has been cancelled without issuance of notice stands admitted but it is stated that everything has been done in public interest.

However, it is well settled that if action or order of any authority leads to a civil consequence upon a person or a party then such action or order can only be passed after issuing of a show cause notice and on consideration of the grounds raised in the reply to the show cause filed by such person or party.

That having not been done, in my considered opinion, the Annexure 15 dated 13.10.2014 cannot be sustained in its present form.

Accordingly, the same is quashed and set aside.

However, the authority concerned, if it so desires, would be at liberty to proceed against the petitioner afresh in accordance with law.

(Dr. Ravi Ranjan, J)

Spd/-

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