

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9200 of 2016

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1. Nayyar Khurshid Son of Dr. M.K. Haque, resident of Hotel Minar, Exhibition Road, Police Station- Gandhi Maidan , Town & District Patna

.... Petitioner

Versus

1. The Bihar State Power Holding Company Limited , Vidyut Bhawan, Baily Road, Patna through its Chairman-cum- Managing Director.
2. The South Bihar Power Distribution Co. Ltd. through Managing Director Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager-cum- Chief Engineer, PESU, Mangles Road, Patna.
4. The Electric Superintending Engineer, Electric Supply Circle, PESU West Patna.
5. The Financial Controller (Revenue) SBPDCL, Vidyut Bhawan, Patna
6. The Electrical Engineer, Electrical Supply Division Dak, Banglow Patna.
7. The Assistant Electrical Engineer, Electric Supply Sub-Division , Dak Bangalow Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate
Mr. Vijay Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 08-06-2016 Heard learned counsel for the petitioner as well as

Mr. Vinay Kirti Singh, learned counsel appearing for the Bihar State Power Holding Company Limited and South Bihar Power Distribution Co. Ltd.

This case has a chequered history. The petitioner seeks direction to the Bihar State Power Holding Company Limited and South Bihar Power Distribution Co. Ltd. to issue a fresh bill for the energy consumed by him for the period from

01.09.1999 to 26.12.2006.

Learned counsel for the petitioner submits that he is willing to pay the entire dues in installments. He further submits that the matter was decided by CGRF, Patna and ultimately, a bill of Rs. 11,71,171/- was prepared. He further submits that the said bill however did not take into consideration and a sum of Rs. 4,00,000/- was paid by the petitioner.

On the other hand, Mr. Vinay Kirti Singh, learned counsel for the respondents submits that the bill was issued after taking into consideration para-11 of the order passed by the Bihar Electricity Regulatory Commission, which is quoted hereinbelow for ready reference.

“11. Therefore, considering the fact that respondent has already complied the impugned order of the CGRF dt. 30.12.2010 by waiving the DPS and giving adjustment of the security money with interest based on available office records in absence of the non-submission of the original security deposit receipt, the Commission is of the considered view that order of CGRF dt. 30.12.2010 as well as the order of Ombudsman dated 14.01.2016 have been fully complied

by the respondents. During hearing the petitioner stated that order has been complied but the calculation of dues is not correct. He is not satisfied with the calculation. Petitioner is at liberty to move this issue of billing dispute before appropriate forum.”

Having regard to the facts and circumstances of the case and in view of the offer of the petitioner that he would pay the entire dues, the matter is remitted to Managing Director, South Bihar Power Distribution Co. Ltd. for consideration of petitioner's claim.

In case, the petitioner files a representation before the Managing Director, South Bihar Power Distribution Co. Ltd., he would consider the same within a period of three weeks from the date of receipt of such representation and fix the installments for payment of dues and will also restore the electricity.

With the aforesaid observations and directions, this petition is disposed of.

(Samarendra Pratap Singh, J)

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